

Report of the Joint-Committee constituted in the matter of OA No. 04/2022; that Sanjay Kumar Versus Union of India & Ors.

1. Background:

In the matter of OA No. 225/2021; Sanjay Kumar Versus Union of India & Ors, wherein a grievance has been made against unscientific dumping of waste on the land allotted for Solid Waste Management project at village Jhuriwala, Panchkula, Haryana.

In the application, it is also mentioned, “ in breach of understanding given, while taking the EC, steps are not being taken for composting of municipal solid waste, landfill being limited to inert waste, transportation through pipeline and treatment in Common Effluent Treatment Plant. The Municipal Corporation, Panchkula has been dumping all kinds waste at the project site in violation of conditions on the basis of which the NBWL permitted the project.”

Hon’ble National Green Tribunal vide order dated 17/9/2021 (**Annexure-1**) observed and directed as follows:

“We are of the opinion that the issue needs to be first considered by a joint Committee of statutory regulators - CPCB, State PCB and Chief Wildlife Warden, Haryana. Chief Wildlife Warden, Haryana will be the nodal agency for coordination and compliance. The Committee may hold its first meeting within 15 days, undertake visit to the site, interact with the Stakeholders and take remedial action in exercise of their statutory powers, following due process of law. It will be open to conduct meetings online, except the site visit.”

In compliance of the directions of Hon’ble National Green Tribunal, a Joint Committee comprising of the following statutory regulators was constituted:

- i. Central Pollution Control Board (CPCB).
- ii. Haryana State Pollution Control Board (HSPCB).
- iii. Chief Wildlife Warden, Haryana (Forest Department).

During the first meeting held on 1/10/2021, the Joint Committee further constituted a Sub-Committee comprising of the following members (**Annexure-2**):

- i. Sh. Shyam Sunder, Divisional Wildlife Warden, Panchkula.
- ii. Sh. Virender Punia, Regional Officer, Panchkula Region Haryana State Pollution Control Board.
- iii. Dr. Narender Sharma, Additional Director, Central Pollution Control Board, Regional Director, Chandigarh

The terms of reference (TOR) of the Sub Committee, as decided by the Joint Committee were as follows:

- a) To visit the site and interact with the stakeholders
- b) Assess the damage caused to the environment.
- c) Recommend the remedial action to be undertaken by different statutory authorities in this regard.
- d) Propose its recommendations for further future course of action to be taken in this regard by different authority.
- e) Submit the report within a week time, i.e., before 08.10.2021, to the Nodal agency, i.e., Chief Wildlife Warden.

2. Submission/ Report of the Sub Committee :

The Sub Committee visited the site on 8/10/2021. The stake-holders as per list attached as **Annexure - 3**, were also present at site. The stakeholders representing Residents welfare association were requested to explain or provide any point/issue other than written submissions made by the RWA to the members of the Joint Committee. The following additional issues were raised by RWA during interaction with the Sub Committee.:

- The public hearing of the site under question, was conducted at Community Centre, Sector 25, Panchkula and not at the proposed site, thereby misleading the stakeholders. The public hearing should have been conducted at site as per EIA Notification.
- The leachate coming out of the existing illegal site after mixing with rain water in the natural drain, is leading to River Ghaggar and hence affecting the public health since the contaminated water from the River Ghaggar is being used by farmers for raising crops and vegetables.

- The ground water of the nearby sectors has been deteriorated and not fit for drinking.

Based on the site visit, interaction with the stake-holder and examination of various documents w.r.t. clearances/permissions obtained for the site under reference and the compliance of various terms and conditions of the clearances/permissions granted, it was observed by the Joint Committee that the project proponent has not complied with the conditions, prescribed by Wild Life Department, Standing Committee NBWL and also failed to adhere to the conditions of Environmental Clearance granted by MoEF&CC and the Consent to Establish (CTE) granted by Haryana State Pollution Control Board (HSPCB) as elaborated below:

The Environmental Clearance was granted to the proponent i.e. Haryana Urban Development Authority (HUDA) by MoEF&CC vide F.No. 10-7/2009-IA-III dated March 1, 2013. It was specified in the Environmental Clearance that in the event of change in the project profile or change in the implementation agency, a fresh reference shall be made to the Ministry of Environment and Forests. In this regard, it may be noted that **Consent to Establish (CTE) No. 320220918PANCTE5688668 dated 01/11/2018, was obtained by M/s Municipal Corporation, Panchkula from HSPCB on the basis of Environmental Clearance (EC) granted to Haryana Urban Development Authority (HUDA), without making a reference to the MoEF&CC as stipulated in the conditions of Environmental Clearance granted to HUDA.**

During inspection the project proponent was found to be not complying with the following conditions of Environmental Clearance:

- Boundary wall of 8 ft height should be constructed all along the project site.
- The proponent shall ensure that the project fulfils all the provisions of Solid Wastes (Management and Handling) Rules, 2000 including collection and transportation design etc.
- Any other condition as stipulated in the court order, should be adhered to.



- Entire organic material shall be converted into manure. Recyclable material likewise glass, steel etc. Shall be sold to recycler. Only inert material which cannot be either composted or recycled shall be sent to land filling.
- A six-monthly monitoring report shall be submitted by the project proponent to the regional Office of the Ministry at Chandigarh regarding implementation of the stipulated conditions.

The Consent to Establish (CTE) was granted to Municipal Corporation, Panchkula by Haryana State Pollution Control Board (HSPCB) vide No. 320220918PANCTE5688668 dated 01/11/2018 with the conditions that :

- There is no discharge directly or indirectly from the Unit or the process into any interstate river or Yamuna River or River Ghaggar.
- The Unit will obtain consent to operate from the Board before the start of project activity.
- The Unit will comply with the conditions of EC granted by MoEF&CC.
- The Unit will obtain CTO under Water/Air Acts and Authorization under MSW (M&H) Rules before commissioning.
- The CTE thus granted shall be valid till the validity of Environmental Clearance granted to the Unit i.e. 29.2.2020.

The Municipal Corporation, Panchkula was found to fail to follow the above conditions of Consent to Establish (CTE) granted by HSPCB vide dated 01/11/2018. It is necessary to mention here that on the day of inspection The Municipal Corporation, Panchkula was found using the site under reference for unscientific dumping of waste, without getting extension of CTE or without obtaining consent to operate and Authorization from HSPCB. The site has been used for unscientific dumping of municipal solid waste in violation of MSW Management Rules 2016 since the beginning.

A natural drain is passing through the site and the Municipal solid waste is being dumped into the drain. It was observed that the leachate coming out of the site is mixing with the storm water of the natural drain and leading to the River Ghaggar.



The samples of the water/waste water flowing into the natural drain upstream of the site and the drain passing through the site were collected and sent to HSPCB Laboratory for general parameters and other parameters specific to leachate. The results of analysis revealed that the concentration of various general parameters in the contaminated water in the natural drain passing through the site, are much higher in comparison to water flowing in the drain upstream of the site, clearly indicating absence of leakage management. The analysis results of the samples collected from the above locations are attached as **Annexure-4**.

Permission for diversion of 5.35 Hectare of forest Land (Site under reference) for solid waste management under section 4 & 5 of PLPA 1900, under Forest Division, Morni, Pinjore. Distt. Panchkula, by MoEF&CC vide No. 9-HRB 159/2006-CHA/3754 dated 29/04/2011, with the condition that forest land will not be used for the purpose other than mentioned in the proposal. The proponent is not complying with this condition of the permission and using the site for unscientific dumping of Municipal Solid Waste.

Apart from the above, the proponent is not complying with the conditions of the permission granted by Chief Wild Life Warden, Panchkula (**Annexure-5**). Further, the permission was granted to HUDA and the same is not changed in the name of Municipal Corporation, Panchkula. There is no demarcation of boundary at site. Both domestic and wild animals were found to be roaming around, at site.

The proposal for setting up Solid Waste Management Project at Village Jhuriwala, Panchkula was recommended by Standing Committee of NBWL during 37th meeting held on 26/2/2012 (**Annexure-6**), "*considering that arrangements are in place for ensuring that the leachates do not pollute the ground water and composting of biodegradable waste is also ensured*". In this regard, it was found that the proponent is not complying with these conditions. No provision has been made at site for collection and treatment of the leachate. The leachate was found to be mixing with the natural drain leading to the River Ghaggar.

The various photographs taken by the Joint Committee during the site visit are attached as **Annexure-7**.



3. Recommendations of Sub-Committee:

- a) Now Municipal Corporation, Panchkula has submitted fresh application for issuing Terms of Reference (TOR) for obtaining Environmental Clearance (EC) for Integrated Municipal Solid waste Facility” at the same site, giving reference of permissions earlier granted by Wild Life Department/NBWL and the forest Clearance granted by MoEF&CC (**Annexure-8**) However, in view of the fact that the proponent has not complied with the conditions of permissions/clearances granted by these agencies, it is recommended that the permissions granted earlier may be reviewed by the respective agencies. Further, since the site under reference is presently being used for unscientific dumping of MSW without following the provisions of MSW Management Rules, the plan restoration of the the site under reference, to its original condition must be included as a part of EIA report and Environmental Management Plan, while considering the application of the proponent for fresh Environmental clearance of the same site. The time bound action plan in this regard should be obtained from MC, Panchkula and implementable of the same may be ensured by HSPCB, before issuing CTE to the proponent based on the Fresh EC, if granted by MoEF&CC. The Joint Committee constituted in the matter of OA No. 225/2021; Sanjay Kumar Versus Union of India &Ors, may consider the above recommendation while submitting its report to Hon’ble NGT.
- b) The sub-committee was also assigned the job of making the assessment of the damage caused to the environment by the Municipal Corporation (MC), Panchkula and suggest remedial measures. In this regard, it is submitted that as reported in the previous sections, leachate from the site under reference was found to be mixing with the natural drain, leading to River Ghaggar. Therefore, damage to ambient air, soil, surface water, ground water and crops in the nearby area is not ruled out. However, detailed investigation is required in this involving experts in the area of soil, ground water, agriculture and public health, to quantify the damage and prepare restoration plan. Therefore, Joint Committee constituted in this matter by Hon’ble NGT may look into this aspect and take appropriate decision in this regard.



c) The sub-committee was also assigned the task of recommending the remedial action to be undertaken by different statutory authorities. The violations made by the proponent are with regard to non-compliance of conditions of permissions/clearances granted by various agencies . In this regard, the State Pollution Control Board have following provisions to address violations in such cases:

- Show cause notice under water/Air/EPA Act.
- Environmental Compensation as per CPCB Guidelines.
- Complaint under EP Act before Special Environmental Court, Kurukshetra.
- Directions of Hon'ble NGT in the matter of OA No. 138-139 of 2018.
- Directions of Hon'ble NGT in the matter of Appeal No. 36 of 2013 and OA 93 (T_{HC}) of 2013

HSPCB may take remedial action in this regard. Joint Committee may ask other agencies involved in this matter to take similar remedial action under the legal provisions with regard to their area, for submission of the action taken report (ATR) before the Hon'ble NGT by the Joint Committee.

d) The concern of the stakeholder's w.r.t. venue of public hearing may be addressed by HSPCB during the next public hearing to be held in future, during consideration of application of MC, Panchkula, for fresh Environmental Clearance.

The Sub-Committee Prepared the detailed report after elaborating the above points including supportive documents and photographs along with remediation and recommendations submitted to the Joint Committee constituted in the matter of O.A No. 225 of 2021; Sanjay Kumar vs. Union of India and Ors for consideration and taking further necessary action, in compliance of the orders of Honble NGT in this matter. However, the joint committee has not submitted the final report of the sub-committee to the Hon'ble NGT in the matter of OA No. 225 of 2021.

4. Present status in the matter of OA No. 04/2022 titled as Sanjay Kumar V/s Union of India &Ors.



Another application was filed by the applicant Sanjay Kumar against the Union of India & Ors before this Hon'ble NGT, with the grievance that the illegal and unscientific dumping of waste has been still continuing in spite of orders of Honble NGT and the Hon'ble Tribunal took cognizance of the same and directed as below:

*“In view of above, it is necessary to ascertain the compliance status from a Joint-Committee Comprising of the **State PCB, Chief Conservator of Forest and the District Magistrate, Panchkula**. The State PCB will be the nodal agency for coordination and compliance”.*

The joint committee held its 1st meeting on 19.05.2022 in compliance of the directions issued by Hon'ble NGT. The Joint Committee discussed and updated itself on the present status of the dumping ground, actions being taken by the HSPCB, Wildlife department and statutory regulators and what compliance has been done on the site (**Annexure-9**).

5. Directions issued by the Joint Committee on 19.05.2022

The Joint Committee, after observing the facts, directed different statutory authorities to take all the necessary actions against the violators, including MC, Panchkula for the violation of continuing dumping of garbage at the site in Village-Jhuriwala. Further, the Joint Committee issued the following directions to the concerned as below.

- a. MC, Panchkula shall immediately stop dumping at the site and shall take action to remove the already dumped garbage at the site.
- b. MC, Panchkula shall construct the boundary wall around the site.
- c. HSPCB shall submit its interim/final report in the Hon'ble NGT before 25.05.2022.
- d. HSPCB shall issue the directions for the compliance at the site to MC, Panchkula.

The minutes of the meeting is attached as **Annexure-10**.

Meanwhile, the site in question was inspected by the team of EAC for considering granting of EC and TOR for the proposed integrated Municipal Solid Waste Management Facility (MSWM) at Jhuriwala Village (against the



proposal no. IA/HR/MIS/230385/2021; F. No. 21-58/2021-IA-III). After examining the said proposal, the EAC noted that a litigation has been filed against the project. Therefore, based on the information submitted and clarification provided by the Project Proponent and detailed discussions held on all the issues, the EAC was of the opinion to conduct a site visit before arriving at a decision on the project proposal. The findings and final conclusion observed by the team of EAC during the site visit is as below:

- a. This site is not suitable for the establishment of IMSWF, as per the criteria laid out in relevant GOI guidelines.
- b. Seeing the importance of Environmental conservation, it will not be proper to setup an IMSWF site and plant in a natural forest with rich bio diversity adjacent to a Wildlife Sanctuary. Moreover, the area also receives Natural water channels from nearby undulating watershed having rich forest of the Wildlife Sanctuary. It will be in the fitness of things to find a suitable site which can located taking resort to cluster approach for setting up Solid Waste Management Plant.
- c. There seems to be discrepancies in the forest clearance granted earlier this needs investigations.
- d. There are violations of the Environmental Laws and of guidelines of Swacch Bharat Mission, Municipal Solid Waste Manual.
- e. Regarding representation.
- f. As per the latest order of NGT dated 17.09.2021, the matter is to be first considered "CPCB, State PCB and Chief Wildlife Warden, Haryana. Chief Wildlife Warden, Haryana will be the nodal agency for the coordination and compliance.
- g. Latest order of the Supreme Court declaring ESZ of a minimum 1km for all protected areas makes this site unfit for solid waste management. The report of this committee is awaited.

The EAC site inspection report is attached as **Annexure-11**.

6. Actions undertaken by HSPCB and other statutory authorities

- (i) RO, HSPCB, Panchkula has initiated prosecution action against the Municipal Corporation, Panchkula and Municipal Council, Kalka for the violations made at Jhuriwala and HSPCB also imposed the Environment



Compensation of Rs. 30 lakh per month on the MC, Panchkula i.e. @ Rs. 05 lakh per month for the period from 10.07.2021 to 31.12.2021 for discharging the leachate from the dumping site into River Ghaggar through natural drain passing through the site in compliance of Hon'ble NGT orders dated 06.12.2019 in OA No. 673 of 2018 (**Annexure-12**).

Further, RO, HSPCB, Panchkula has issued directions to MC, Panchkula and Municipal Council, Kalka vide letters dated 24.04.2022 to immediately stop the dumping at the village- Jhuriwala site and directed them to comply with the following directions.

1. To immediately stop dumping fresh solid waste.
2. To remove already dumped legacy waste.
3. To obtain fresh Environmental Clearance from the competent authority.
4. To identify another landfill site away from the current location as it will be the source of diseases for the human being and wildlife.
5. Not to dump/process any kind of fresh solid waste at site till they obtain all necessary clearances from the concerned Departments and establish all necessary infrastructure at the site as per Municipal Solid Waste (Management & Handling) Rules, 2016.

The copy of directions issued to the MC, Panchkula and MC, Kalka is attached as **Annexure-13**.

RO HSPCB has also recommended the imposition of another Environment Compensation on the MC, Panchkula vide letter no. 704 dated 17.08.2022 and on MC, Kalka vide letter no. 705 dated 17.08.2022 for the period from 01.07.2021 to 31.07.2022 for illegal and unscientific dumping of the MSW at the site and non-compliance of the Solid Waste Management Rules, 2016 (**Annexure-14**).

The site was again inspected by the field officer of the HSPCB on 02.08.2022 and the sample was collected and as per analysis report 6395 dated 10.08.2022 the parameters were found to be exceeding the prescribed limits (**Annexure-15**).



(ii). District Magistrate, Panchkula visited the site along with Regional Officer, HSPCB, Panchkula in the month of May, 2022 i.e. before the 1st meeting of Joint Committee in O.A. no 04 of 2022 and it was observed that the M.C, Panchkula has been continuously dumping the garbage at the site Village-Jhuriwala in violation of Municipal Solid Waste Management Rules, 2016. Further, it was also observed that MC, Panchkula and MC Kalka did not develop the infrastructure around the site, as decided by the Joint Committee and the leachate coming out of the site, had been mixing with the storm water of the natural drain, which subsequently outfalls in River Ghaggar.

Further, DC, Panchkula directed the MC, Panchkula to construct the boundary wall around the site and take necessary action to avoid the entry of wild animals and requested HSPCB to take necessary action against the MC, Panchkula for the violations at the site and issue notice to MC, Panchkula for immediate compliance of the provisions of Municipal Solid Waste Management Rules, 2016 and the directions of Hon'ble NGT.

The Joint Committee held its second meeting on 24.08.2022 and another meeting on 17.10.2022 and the meeting was coordinated by HSPCB. During these meetings the updated status of progress was reviewed and the report to be finalized before Hon'ble NGT was also discussed. Minutes of meeting are attached as **Annexure-16 & 17**.

In the third meeting, after reviewing the actions undertaken in the matter by different statutory authorities, the Joint Committee expressed its dissatisfaction over the inaction on the various decisions/directions and commitments given by the Municipal Corporation, Panchkula in the previous meetings. The Joint Committee observed that the dumping was not stopped, no new site was identified, no wall was constructed and no additional trommel was added to treat the legacy waste. In nutshell, the MC Panchkula has miserably failed to take necessary steps to resolve the issue. The committee took the following decisions:

- (i) RO, HSPCB, Panchkula shall file the criminal complaint before Special Environment Court, Kurukshetra for violation of the provisions of SWM Rules 2016, impose applicable penalty on MC, Panchkula, besides giving directions to all concerned to stop the polluting activities immediately.

- (ii) Municipal Corporation should immediately search an alternative site for the waste disposal and processing. Further, Municipal Corporation should obtain prior permission from MoEF& CC/HSPCB and other Departments before setting up MSW processing plant at new site.
- (iii) Municipal Corporation should do proper fencing around the site so that wild animals could not be able to enter at the site.
- (iv) As an immediate step to relieve of foul smell, Municipal Corporation should control the smell by using proper methods and chemicals, so that the inhabitants would not suffer.
- (v) Municipal Corporation should install additional Trommel Machines to remove waste from the current site.
- (vi) Municipal Corporation should spread awareness about the segregation of waste and also do proper segregation before the disposal of waste.
- (vii) MC Panchkula & Kalka should immediately submit an action plan for handling its daily waste addition, treating its legacy waste, activities for preventing pollution from the existing site and the remedial action plan for restoration of environment in the site, degraded by their activities so far, along with fragmented activities and timelines, machinery and manpower proposed, for further consideration and submission to Hon'ble NGT (consisting both short term plan and long-term plan).

FINAL OBSERVATIONS OF THE JOINT COMMITTEE

In light of the above facts and violation observed on the site at Village-Jhuriwala by Municipal Committee, Panchkula and Municipal Council Kalka, the following facts clearly emerge:

- a) The site is not suitable for the establishment of Municipal Solid Waste Facility (MSWF).
- b) The area of the site also receives natural water channels from nearby undulating watershed having rich forests of the wildlife sanctuary. It will be in the fitness of things to find a suitable site which can be located taking resort to cluster approach for setting up solid waste management plant in consonance of the latest order of the Hon'ble



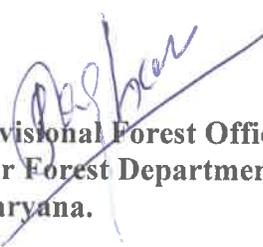
Supreme Court passed on 03rd June, 2022 regarding the minimum distance required from all protected areas and ESZ for any such establishment.

- c) From the reviews, site visits and documents, it is clear that violations of the environment laws have been committed by Municipal Corporation Panchkula and Municipal Council, Kalka, causing a significant loss to the environment. Thus the remedial and preventive action to restore the damage caused to the environment at site and surroundings have to be undertaken by them on top priority and action should be taken by District Administration, HSPCB and ULBD to ensure that no further dumping, causing further damage to environment should be stopped immediately.

The present report of the joint committee is being submitted before this Hon'ble NGT with submission that same may be placed on record for consideration.



**Regional Officer,
Panchkula for HSPCB,**



**Divisional Forest Officer,
For Forest Department,
Haryana.**



**Deputy Commissioner,
Panchkula**

Item No. 04

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 225/2021
(I.A. No. 170/2021)

Sanjay Kumar

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 17.09.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Ms. Nandita Dhar, Advocate

ORDER

1. Grievance in this application is against unscientific dumping of waste on the land allotted for Solid Waste Management project at village Jhuriwala, Panchkula, Haryana.

2. According to the applicant, the site in question is 140 meters away from Khol-Hai-Raitan Wildlife Sanctuary. On that account, safeguards are necessary to avoid negative impact of landfill on the ground water. In the 36th meeting of the Standing Committee of National Board for Wildlife held on 04.11.2015, it was decided as follows:-

"36.4.2.4 Proposal for setting up of Solid Waste Management Project at village Jhuriwala in Panchkula District, Haryana.

Sanctuary. The user agency explained that the project involves composting and land filling. **The Committee members suggested that the landfill site be located away from the current location as it will be a source of diseases for the human beings and wildlife.**

After discussions, the Committee decided to defer the proposal. Project proponents may provide further information on how the negative impact of the landfill on the ground water and ambient environment will be mitigated.”

3. Further decision was taken in the meeting of the Standing Committee dated 26.02.2016, as follows:-

“36.4.2.4 Proposal for setting up of Solid Waste Management Project at village Jhuriwala in Panchkula District, Haryana.

IG WL briefed that the proposal was deferred in the 36th meeting for the information on how the negative impact of the landfill on the ground water and ambient environment. The Chairman asked the user agency to present the proposed mitigation measures for preventing the ground water pollution and ambient environment. **The user agency presented the engineering construction measures for composting of municipal solid waste, landfill of inert waste and leachate handling, transportation through pipeline and treatment in Common Effluent Treatment Plant which is away from the site.**

Considering that arrangements are in place for ensuring that the leachates do not pollute the ground water and composting of biodegradable waste is also ensured, **the Committee agreed to recommend the proposal with the following conditions in addition to those proposed by Chief Wildlife Warden in the proposal and SBWL, to be made part of EC clearance.**

1. **The landfill for inert waste will be based on the standard design and will be covered.**
2. **Adequate water harvesting structure will be created in the Khol Hai Ratan WLS for providing sustained water and fodder to the wild life within the PA. The cost will be borne by the project proponent.”**

4. It is stated that in breach of understanding given while taking the EC, steps are not being taken for composting of municipal solid waste,

site in violation of conditions on the basis of which the NBWL permitted the project.

5. In support of his case, the applicant has relied upon photographs and news item dated 09.08.2021 in The Times of India titled "*Residents fume as MC turns Jhuriwala forest area in Panchkula into dumping ground*". The news item states that the Solid Waste Management Plant site is being used as a dumping ground illegally. The news item mentions that though the Speaker Haryana Assembly, who is the local MLA announced in a public meeting that 600 tonne garbage lying in the Sector 23 dumping ground would be processed and the area would be turned into a park, no such step has been taken.

6. We have considered the matter. We are of the opinion that the issue needs to be first considered by a joint Committee of statutory regulators - CPCB, State PCB and Chief Wildlife Warden, Haryana. Chief Wildlife Warden, Haryana will be the nodal agency for coordination and compliance. The Committee may hold its first meeting within 15 days, undertake visit to the site, interact with the Stakeholders and take remedial action in exercise of their statutory powers, following due process of law. It will be open to conduct meetings online, except the site visit.

A copy of this order be forwarded to CPCB, State PCB and Chief Wildlife Warden, Haryana by e-mail for compliance.

The applicant may provide copy of this order along with set of documents to CPCB, State PCB, Chief Wildlife Warden, Haryana and file

The application is disposed of.

In view of order in the main matter, I.A. No. 170/2021 also stands disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

September 17, 2021
Original Application No. 225/2021
AVT

Forests & Wildlife Department, Govt. of Haryana
O/o PCCF & Chief Wildlife Warden, Haryana, Panchkula

Plot No. C-18, Van Bhawan, Sector-6, Panchkula, Phone No. 0172-2561224, 2583682 E-mail : pccf.cww-hfili@hry.gov.in

No. 1531-32

Dated: 27/09/2021

To

1. Member Secretary,
Haryana State Pollution Control Board,
Sector-6, Panchkula.
2. Regional Director,
Central Pollution Control Board,
Chandigarh.

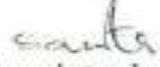
Sub: Meeting of Joint Committee constituted by Hon'ble NGT-Reg.**Ref:** Directions of Hon'ble NGT in OA No. 225/2021 (IA No. 170/2021) vide order dated 17.09.2021 in the matter of Sanjay Kumar Vs Union of India and Ors.

Please refer to the above subject and cited reference, wherein Hon'ble NGT vide its order dated 17.09.2021 in OA No. 225/2021 (IA No. 170/2021) in the matter of Sanjay Kumar Vs Union of India and Ors, relating to alleged unscientific dumping of waste on the land allotted for Solid Waste Management project at Village Jhuriwala, Panchkula, constituted a Joint Committee of statutory regulators-CPCB, SPCB and Chief Wildlife Warden-appointing Chief Wildlife Warden, Haryana as the Nodal Agency for coordination and compliance.

Hon'ble NGT has directed that the Joint Committee shall hold its first meeting within 15 days, undertake visit to site, interact with the stakeholders and take remedial action in exercise of their statutory powers following the due process of law, leaving the option of conducting the meeting online to the Joint Committee, except for site visit (Copy of the order enclosed for reference).

In compliance of the directions of the Hon'ble Tribunal, the meeting of Joint Committee is scheduled on 01.10.2021 at 10.30 Hrs at Conference Room of Van Bhawan, Sector-6, Panchkula.

You are requested to attend the same along with all updated documents available in this regard.


 Superintendent,
 for Chief Wildlife Warden,
 Government of Haryana

Endst. No. 1533-35

Dated: 27/09/2021

A copy of the communication is forwarded to the following with the request to attend the meeting along with all relevant documents:

1. Commissioner, Municipal Corporation, Panchkula.
2. Dy. Chief Wildlife Warden, Panchkula.
3. Regional Officer, Panchkula, HSPCB.


 Superintendent,
 for Chief Wildlife Warden,
 Government of Haryana

Forests & Wildlife Department, Govt. of Haryana
O/o PCCF & Chief Wildlife Warden, Haryana, Panchkula

Plot No. C-18, Van Bhawan, Sector-6, Panchkula, Phone No. 0172-2561224, 2583682 E-mail : pccf.cww-hfd@hry.gov.in

No. 1602-07

Dated: 04-10-2021

To

1. Sh. S. Narayanan, IFS, Member Secretary, Haryana State Pollution Control Board.
2. Sh. M. L. Rajvanshi, IFS, Chief Conservator of Forests (WL), Panchkula.
3. Sh. Dharambir Singh, IAS, Commissioner, Municipal Corporation, Panchkula.
4. Sh. Gurnam Singh, Regional Director, Central Pollution Control Board.
5. Sh. Shyam Sunder Kaushik, Deputy Chief Wildlife Warden, Panchkula.
6. Sh. Virender Singh Punia, Regional Officer, Panchkula

Sub: Proceeding of the meeting held on 01.10.2021 regarding National Green Tribunal O.A. No. 225 of 2021 –Sanjay Kumar Vs. Union of India & others.

In compliance to Hon'ble NGT order dated 17.09.2021 in the matter of Sanjay Kumar Vs. Union of India & others, please find enclosed herewith the proceedings of the meeting held on 01.10.2021 in Van Bhawan, Panchkula for further necessary action in the matter.

Encl. As above



Principal Chief Conservator of Forests
& Chief Wildlife Warden,
Haryana, Panchkula.

Proceedings of the Meeting of Joint Committee constituted by Hon'ble NGT vide its order dated 17.09.2021 in OA No. 225/2021 in the matter of Sanjay Kumar Vs Union of India and Ors. held on 01.10.2021 at 10.30 Hrs at Conference Room of Van Bhawan, Sector-6, Panchkula.

The meeting of Joint Committee of statutory regulators, Central Pollution Control Board (CPCB), State Pollution Control Board (SPCB) and Chief Wild Life Warden of Haryana constituted by Hon'ble NGT, vide its order dated 17.09.2021 in OA No.225 / 2021 in the matter of Sanjay Kumar Vs Union of India and Others was held on 01.10.2021 at 1030 Hrs at Conference Room of Van Bhavan, Sec 6, Panchkula, in compliance of the directions of Hon'ble NGT. The list of participants is at **Annex**.

Chief Wildlife Warden welcomed the participants and briefly explained the objective of the meeting. Member Secretary, Haryana State Pollution Control Board (HSPCB) explained the details of the case and the directions of the Hon'ble NGT. It was explained to the participants that after hearing the grievance submitted before the NGT against 'unscientific dumping of waste on the land allotted for Solid Waste Management Project at village Jhuriwala, Phanchkula, and that the site is 140 m away from Khol-Hairaitan Wildlife Sanctuary, on account of which safeguards are necessary to avoid negative impact of landfill on ground water' the Hon'ble Tribunal directed that , *'the issue needs to be considered by a Joint Committee of Statutory regulators - CPCB, State PCB and Chief Wildlife Warden, Haryana. Chief Wildlife Warden, Haryana will be the nodal agency for coordination and compliance. The Committee may hold its first meeting within 15 days, undertake visit to the site, interact with the Stakeholders and take remedial action in exercise of their statutory powers, following the due process of law.'*

Municipal Commissioner, Panchkula informed the Joint Committee that the Project was conceived a decade back and all necessary clearances - Clearance from Forest Department, Environmental Clearance (EC), Consent to Establish (CTE) and Clearance from Wildlife Department - have been obtained already, following the due process. However, no work was ever started due to various reasons and the EC has expired in 2020, along with the CTE. Therefore, the Municipal Corporation has applied for a fresh EC, upon receipt of which they would apply for CTE and will start the establishment of the Municipal Solid Waste Management Facility. The present issue pertains to dumping of Solid Waste in the area, earmarked for the facility, it was informed. Wildlife Department clarified that the area now falls outside the wildlife sanctuary area as well as eco sensitive zone.

The matter was discussed at length and the following decisions were taken by the Joint Committee.

- (i) A field visit shall be conducted by the team of representatives from Wildlife Department, HSPCB and CPCB. It was decided the team will consist of Sh Shyam Sunder, Divisional Wildlife Warden having jurisdiction over Panchkula, Sh Virender Singh Punia, Regional Officer of HSPCB and Dr Narender Sharma, Additional Director of CPCB.
- (ii) This Committee shall visit the site, interact with the stakeholders and assess the damage caused to the environment.
- (iii) The Committee shall also recommend the remedial action to be undertaken by different statutory authorities in this regard and also propose its recommendations for further future course of action to be taken in this regard by different authorities.
- (iv) The Committee shall send the report within a week time, i.e., before 08.01.2021, to the Nodal agency, i.e., Chief Wildlife Warden.
- (v) Wildlife Department shall independently assess the requirement of the upcoming project with specific reference to the applicability of the conditions already imposed and the wildlife clearance already granted to the project and include in the report, as its inputs. It will also provide the additional conditions applicable, if any, considering the modified wildlife eco system in and around the area and the nature of the proposed project.
- (vi) ULBD was clarified that as per the Notification issued by MoEF & CC dated 18.03.2021, only those projects who have completed more than 50% of the work can be exempted from Public Hearing and in this case, since the project is yet to be started, the EC granting process will involve Public Hearing.

The meeting ended with thanks to all participants.

-o0o-

Annex

Participants of the Meeting of Joint Committee constituted by Hon'ble NGT vide its order dated 17.09.2021 in OA No. 225/2021 in the matter of Sanjay Kumar Vs Union of India and Ors. Held on 01.10.2021 at 10.30 Hrs. at Conference Room of Van Bhawan, Sector-6, Panchkula.

S No	Name & Designation	Department
1	Sh Jagdish Chander, IFS, Chief Wildlife Warden	State Wildlife Department
2	Sh S. Narayanan, IFS, Member Secretary	Haryana State Pollution Control Board
3	Sh M. L. Rajvanshi, IFS, Chief Conservator of Forests (WL)	State Wildlife Department
4	Sh Dharambir Singh, IAS, Commissioner, M.C. P.K.R.	Municipal Corporation, Panchkula
5	Sh Gurnam Singh, Regional Director	Central Pollution Control Board
6	Sh Shyam Sunder Kaushik, Divisional Wildlife Warden, Panchkula	State Wildlife Department
7	Sh Virender Singh Punia, Regional Officer, Panchkula	Haryana State Pollution Control Board

Attendance Sheet

Dated - 8-10-2021

Site Inspection of Solid Waste Management Plant at Jhuriwala as per direction of Hon'ble National Green Tribunal

S. No	Name	Rank/ Designation	Organization	Telephone No.	E-mail Id	Signature
1	Dr. Narendra Sharma	Additional Director	CPCB	9814004377	nr-nendawsharma.cpcb@gmail.com	
2	Virender Singh Punia	EE (RO, PRA)	HSPCB	9888899904	hspcbpr@rediffmail.com	
3	Shyam Sunder	P.Y. CWLHI	Forest Deptt	9416842253	dwlcomon@rediffmail.com	
4	HDS Sharma	President	RWA	8427155144	hds@sharma1953@gmail.com	
5	Soyjeon Kaur	President	RWA	8968311011	GoyalASANI@rediffmail.com	
6	BR Mehta	President	RWA	9915040164	gome@sharma1953@gmail.com	
7	Ram Singh	Patrol	RWA	9988137731		
8	Sakti Prakash	JE	MCPK	7092281198		
9	Anil Sharma	RFO (PKL)	Forest	941600096		
10	Deepak Singh	NWL (PKL)	wildlife	9812347807	nwlpanchbtl@gmail.com	
11	Siddharth Bhargava	AEE, HSPCB	HSPCB	7901734303	hspcbpr@rediffmail.com	
12						
13						
14						
15						

Type of Sample: **Monitoring**

**HARYANA STATE POLLUTION CONTROL BOARD'S
LABORATORY Panchkula**
SCO-115, 1st and 2nd Floor, Sec-25, Panchkula, Haryana

Report No.: **2,674**

Issued to M/s

Natural Drain in the upstream of Jhuriwala sitePanchkulaDescription: Received on 8-Oct-21 a sample of Liquid Trade Effluentcollected by Sidharth Bhargava, AEEVirender Punia, EE & Alexander Sharma, AD, CPCBcollected from Drainof the factory on 08-Oct-21 The sample has been analysed from 8-Oct-21to 29-Oct-21

F.R. Dated: 29-Oct-21

B.O.(PCL)

AEE/A.E.E.-II/A.E.E.-III

SC-B/Clerk

HSI

D.NO. 15177

DATE: 12/11/21

PANCHKULA

ANALYSIS REPORT

S.No.	Parameter Name	Result	Result	Limit
1	Sample Code	3868		
2	Sample Collected from	Drain		
3	Appearance	Light Brown		
4	Odour	Foul		
5	pH value	7.64		
6	BOD(3 days at 27°C) mg/l	2.6		
7	COD (mg/l)	18.0		
8	Total Suspended Solids (mg/l)	54.0		
9	Oil and grease (mg/l)	BDL (DL-2)		
10	Total Dissolved Solids (mg/l)	244.0		
11	Total Coliform (MPN/100ml)	7900.0		

Sample Collected/Not Collected by us

Sample Consumed in testing

CC to Member Secretary

CC to Regional Office

Panchkula

JSA
Matjuli

LABORATORY INCHARGE
Raj Kumar

The test report relate only to the particular sample submitted for testing

Type of Sample :- **Monitoring**

HARYANA STATE POLLUTION CONTROL BOARD'S
LABORATORY Panchkula
 SCO-115, 1st and 2nd Floor, Sec-25, Panchkula, Haryana

Report No. : **2,674**

Dated : 29-Oct-21

Issued to M/s Natural Drain in the upstream of Jhuriwala site
Panchkula

Description :- Received on 8-Oct-21 a sample of Liquid Trade Effluent
 collected by Sidharth Bhargava, AEE Virender Punia, EE A. Narendra Sharma, AD, CPCB
 collected from Drain
 of the factory on 08-Oct-21 The sample has been analysed from 8-Oct-21
 to 29-Oct-21

ANALYSIS REPORT

S.No.	Parameter Name	Result	Result	Limit
12	Faecal Coliform (MPN/100ml)	2300.0		
13	Faecal Streptococci (MPN/100 ml)	800.0		
14	Turbidity NTU	4.22		
15	Nitrate-N (mg/L)	0.49		
16	Nitrite (mg/L)	0.056		
17	Ammonical-N (mg/l)	N.D.		
18	Sodium Absorption Ratio	19.33		
19	Chloride (mg/l)	18.0		
20	Conductivity (μ S/cm)	335.0		
21	Sulphate (mg/l)	9.50		
22	Sulphide (mg/l)	1.6		

Sample Collected/Not Collected by us
 Sample Consumed in testing
 CC to Member Secretary
 CC to Regional Office

Panchkula

JSA
 Manjhi

LABORATORY INCHARGE
 Raj Kumar

The test report relate only to the particular sample submitted for testing

Type of Sample : **Monitoring**

Page 3 of 3

**HARYANA STATE POLLUTION CONTROL BOARD'S
LABORATORY Panchkula**
SCO-115, 1st and 2nd Floor, Sec-25, Panchkula, Haryana

Report No. : **2,674**

Dated : 29-Oct-21

Issued to M/s Natural Drain in the upstream of Jhuriwala site
Panchkula

Description :- Received on 8-Oct-21 a sample of Liquid Trade Effluent
collected by Sidharth Bhargava, AEE Virender Punia, EE & Anshender Sharma, AD, CPCB
collected from Drain
of the factory on 08-Oct-21 The sample has been analysed from 8-Oct-21
to 29-Oct-21

ANALYSIS REPORT

S No.	Parameter Name	Result	Result	Limit
23	Fluoride (mg/l)	0.3		
24	Total Phosphate (mg/l)	0.53		
25	Boron (mg/l)	N.D.		

Sample Collected/Not Collected by us
Sample Consumed in testing
CC to Member Secretary
CC to Regional Office

Panchkula

JSA
Marjani

LABORATORY INCHARGE
Raj Kumar

The test report relate only to the particular sample wherewith for testing.

Type of Sample :- **Monitoring**

Page 1 of 3

**HARYANA STATE POLLUTION CONTROL BOARD'S
LABORATORY Panchkula**
SCO-115, 1st and 2nd Floor, Sec-25, Panchkula, Haryana

Report No. : **2,675**

Issued to M/s

Sample of rain water contained with Liachate from
Jhuriwala site
From natural drain passing through site- downstream
Panchkula

Dated: 29-Oct-21

Description :- Received on 8-Oct-21 a sample of Surface Watercollected by Sidharth Bhargava, AEE

Virender Punia, EE

Abhendra Sharma, AD, C.P.C.B.collected from Rain water sampleof the factory on 08-Oct-21

The sample has been analysed from

8-Oct-21to 29-Oct-21**ANALYSIS REPORT**

S.No.	Parameter Name	Result	Result	Limit
1	Sample Code	3669		
2	Sample Collected from	Rain water		
3	Appearance	Dark Brown		
4	Odour	Foul		
5	pH value	7.64		
6	BOD(3 days at 27°C) mg/l	420.0		
7	COD (mg/l)	1344.0		
8	Total Suspended Solids (mg/l)	1780.0		
9	Oil and grease (mg/l)	6.5		
10	Total Dissolved Solids (mg/l)	3188.0		
11	Total Coliform (MPN/100ml)	42600.0		

Sample Collected/Not Collected by us
Sample Consumed in testing
CC to Member Secretary
CC to Regional Office

Panchkula

JSA
Manjali

LABORATORY INCHARGE
Raj Kumar

The test report relate only to the particular sample submitted for testing

Type of Sample : - **Monitoring**

**HARYANA STATE POLLUTION CONTROL BOARD'S
LABORATORY Panchkula**
SCO-115, 1st and 2nd Floor, Sec-25, Panchkula, Haryana

Dated : 29-Oct-21

Report No : **2,675**

Issued to M/s

Sample of rain water contained with Liachate from
Jhuriwala site
from natural drain passing through site- downstream
Panchkula

Description : - Received on 8-Oct-21 a sample of Surface Water
collected by Sidharth Bhargava, AEE Virender Punia, EE Rajender Sharma, AD, CPEB
collected from Rain water sample
of the factory on 08-Oct-21 The sample has been analysed from 8-Oct-21
to 29-Oct-21

ANALYSIS REPORT

S.No.	Parameter Name	Result	Result	Limit
12	Faecal Coliform (MPN/100ml)	7600.0		
13	Faecal Streptococci (MPN/100 ml)	1700.0		
14	Nitrate-N (mg/L)	0.94		
15	Nitrite (mg/L)	0.48		
16	Ammonical-N (mg/l)	38.46		
17	Chloride (mg/l)	580.0		
18	Conductivity (μ S/cm)	4410.0		
19	Sulphate (mg/l)	546.91		
20	Sulphide (mg/l)	8.0		
21	Fluoride (mg/l)	0.81		
22	Total Phosphate (mg/l)	7.702		

Sample Collected/Not Collected by us
Sample Consumed in testing
CC to Member Secretary
CC to Regional Office: Panchkula

JSA
Manjuli

LABORATORY INCHARGE
Raj Kumar

The test report relate only to the particular sample submitted for testing

Type of Sample :- **Monitoring**

**HARYANA STATE POLLUTION CONTROL BOARD'S
LABORATORY Panchkula**
SCO-115, 1st and 2nd Floor, Sec-25, Panchkula, Haryana

Report No. :-

2,675

Dated: 29-Oct-21

Issued to M/s

Sample of rain water contained with Leachate fromJhuriwala sitefrom natural drain passing through site- downstreamPanchkulaDescription :- Received on 8-Oct-21 a sample of Surface Watercollected by Sidharth Bhargava, AEEVirender Punia, EE & Anvender Sharma, AD, CPCBcollected from Rain water sampleof the factory on 08-Oct-21

The sample has been analysed from

8-Oct-21to 29-Oct-21**ANALYSIS REPORT**

S.No.	Parameter Name	Result	Result	Limit
23	Baron (mg/l)	0.061		

Sample Collected/Not Collected by us

Sample Consumed in testing

CC to Member Secretary

CC to Regional Office

Panchkula

JSA

Marjuli

LABORATORY INCHARGE

Raj Kumar

The test report relate only to the particular sample submitted for testing.

पृष्ठ नम्बर 24-25
दक्षिण मार्ग
सेक्टर 31 ए
घण्टीगढ़ 160030
दिनांक 29.04.2011

संख्या-9/HRB/159/2006-CHA / 3755

वित्तियुक्त एवं सचिव (वन),
हरियाणा सरकार, वन विभाग,
लघु सचिवालय, सेक्टर-17
घण्टीगढ़ ।

Diversion of 5.35 hac. of forest land for solid waste management at village Jhuriwala under section 4 & 5 of PLPA 1900, under Forest Division Morni Pinjore and Distt. Panchkula, Haryana.

कृपया उपर्युक्त विषय से सम्बन्धित आपके पत्र संख्या 594-va-4-2006/2016 दिनांक 09.02.2006 एवं अधिकार हरियाणा सरकार के पत्र संख्या प्रशा-डी-तीन-2219/357 दिनांक 21.04.2011 का अवलोकन करें, जिसमें वन अधिनियम, 1980 की धारा-2 के अधीन केन्द्रीय सरकार की अनुमति मांगी गई है। राज्य सरकार के प्रस्ताव का ध्यानपूर्वक अध्ययन करने के पश्चात् उपर्युक्त उद्देश्य हेतु 5.35 hac. वन भूमि के प्रयोग के लिए सक्षम प्राधिकारी की स्वीकृति निम्नलिखित शर्तों पूरी करने पर प्रदान की जाती है:-

- वन भूमि की विधिक परिस्थिति बदली नहीं जाएगी। कम से कम वृक्ष/पौधे कटवाये जायेंगे एवं काटे जाने वाले वृक्ष/पौधों की संख्या प्रस्तावानुसार 1782 वृक्षों से अधिक नहीं होगी।
- प्रतिपूर्ति पौधारोपण प्रस्ताव के अनुसार 5.35Hec. गैरवानिकी भूमि पर प्रयोक्ता एजेंसी से प्राप्त 12,65,000/- रुपये (रुपये बारह लाख सैठ हजार) की राशि से 5350 पौधे लगाकर किया जायेगा। प्रतिपूर्ति पौधारोपण इस पत्र के जारी होने की तिथि से एक वर्ष के अन्दर हो जाना चाहिए।
- भारत सरकार पत्र संख्या 5-2/2006-FC दिनांक 20.05.2006 के तहत दिये गये अनुदेशों के अनुसार NPV तथा दूसरी सभी निधियां प्रतिपूर्ति पौधारोपण निधि प्रबंधन तथा योजना प्राधिकार के तदर्थ निकाय के लेखा संख्या CA-1590, कारपोरेशन बैंक (भारत सरकार का उपक्रम) ब्लाक-11 मूलतः सी.जी.ओ.काम्पलेक्स, फेज-1 लोधी रोड, नई दिल्ली-110003 या लेखा संख्या 344901010070128 भारतीय यूनिचन बैंक, सुंदरनगर, नई दिल्ली में जमा करवाई जाये।
- वन भूमि का प्रयोग प्रस्ताव में दर्शाये उद्देश्य के अलावा अन्य किसी उद्देश्य के लिये नहीं किया जायेगा।
- प्रतिपूर्ति पौधारोपण स्थल को आरक्षित/सुरक्षित वन घोषित किया जाये।
- यदि कोई अन्य संबंधित अधिनियम/अनुच्छेद/नियम/न्यायालय आदेश/अनुदेश आदि इस प्रस्ताव पर लागू होते हैं तो उनके अधीन जरूरी अनुमति लेना राज्य सरकार की जिम्मेवारी होगी।

मन्त्रालय इस स्वीकृति को स्थगित/रद्द कर सकता है यदि उपरोक्त शर्तों में से किसी भी शर्त का कार्यान्वयन नतोपलब्ध नहीं है। राज्य सरकार वन विभाग के माध्यम से इन शर्तों का पालन सुनिश्चित करेगा।

21/9/11

भवदीय

(श्रीकृष्ण सहरावत)
VCअपर प्रधान मुख्य वन संरक्षक (केन्द्रीय)



Government of India
Ministry of Environment, Forest and Climate Change
(Wildlife Division)

6th Floor, Vayu Wing
Indira Paryavaran Bhawan
Jor Bag Road, Aliganj

F.No.6-14/2016 WL (37th Meeting)
Dated: 15th March 2016

To

All Members,
Standing Committee of NBWL.

Sub: Minutes of 37th Meeting of Standing Committee of NBWL.

Sir/Madam,

Kindly find enclosed copy of the minutes of the 37th Meeting of the Standing Committee of National Board for Wildlife held on 26th February 2016 at 3.00 PM in Teesta, 1st Floor, Vayu Block, Indira Paryavaran Bhawan, Jor Bagh, New Delhi-110003 under the chairmanship of Hon'ble Minister of State (Independent Charge) for Environment, Forests and Climate Change.

Yours faithfully,

(Rajasekhar Ratti)

Scientist 'C'/Deputy Director (WL)

Encl: As above

Distribution:

1. Secretary, MoEF & CC
2. Director General of Forests & Special Secretary, MoEF & CC.
3. Member Secretary, NTCA, New Delhi.
4. Addl. Director General of Forests (WL), MoEF&CC.
5. Director, Wildlife Institute of India, Dehradun.
6. Director, GEER Foundation, Gandhinagar, Gujarat.
7. Prof. R.Sukumar, Central for Ecological Sciences, Indian Institute of Science, Bangalore.
8. Dr. H.S. Singh, Gandhi Nagar, Gujarat.
9. Pr. Secretary (Forests), Government of Andhra Pradesh, Hyderabad.

Copy to:

1. PS to Hon'ble MOS (LC) E&F.
2. PPS to DGF&SS.
3. PPS to Addl.DGF(WL) and Member Secretary, Standing Committee (NBWL).
4. PPS to IGF(WL)/PS to DIG(WL)/PS to JD(WL).

Minutes of the 37th Meeting of the Standing Committee of National Board for Wildlife held on 26th February, 2016

The 37th Meeting of the Standing Committee of National Board for Wildlife (SC-NBWL) was held on 26th February 2016 in the Ministry of Environment, Forests and Climate Change (MoEFCC), under the chairmanship of Hon'ble Minister of State (Independent Charge) for Environment, Forests and Climate Change. List of participants is at **Annexure-1**.

Hon'ble Chairman welcomed all participants to the 37th Meeting and permitted IGF (WL) to present the agenda as Member Secretary had been granted leave of absence by the Chair.

Agenda Item No. 1: Confirmation of the minutes of the 36th Meeting of Standing Committee of National Board for Wildlife held on 4th November 2015.

IG F (WL) informed the Committee that the minutes of the 36th meeting of the Standing Committee of NBWL held on 4th November 2015, were circulated to all members of the Standing Committee on 9th November 2015. No comments were received.

Member Dr H S Singh requested that in the agenda item 33.4.1 (3) on rationalization of Maldhok Bird Sanctuary Maharashtra, the recommendation related to the proposed addition of private lands comprising grassland habitats interspersed with government lands came up as optional (would be attempted to be acquired). These recommendations may be made compulsory. Chair and the Committee agreed on this point. With this modification, the minutes of 36th meeting were confirmed.

Agenda Item No. 2: Action Taken Report (ATR)

37.2.1 Action taken on the decisions of the Standing Committee of NBWL taken in its 36th meeting.

36.3.1.4 Request for reconsideration of proposal for exchange of 19.503 hectares of forest land adjoining hospital with equal area of private land contiguous with forest boundary- Representation by Shree Raghavendra Sewashram Samiti.

IG (WL) explained the representation was considered by the Committee in 36th meeting and a team of representatives of Wild Life Institute of India, NTCA and Chief Wildlife Warden,

Uttarakhand was requested to hold a site visit and check the locational circumstances including the area proposed for inclusion in the Tiger Reserve. The team had visited the site and the report was placed for consideration. The report confirmed that the site proposed by the applicant to be given to them in exchange is a narrow strip of 10-100 m width, cut off from the main forest land by an elevated railway track, thereby separating the core/critical habitat from it. Its significance as ecological contiguous habitat would thus be compromised. On the other hand, the site offered to the Tiger Reserve at Banjarawala is contiguous to the habitat, with evidences of wild life presence though barren and uncultivated. Besides, there is no human habitation in vicinity.

Considering that the area offered has been reported to have potential of becoming an integral part of Tiger Reserve, if it is developed into an ecological wild life habitat, Committee found that the offer made in the representation of the applicant is feasible. Committee also considered the fact that earlier, in IA 20 in WP (C) 337/1995, when the applicant had sought permission of Hon'ble Supreme Court for this proposed exchange, the state had submitted in their affidavit that the proposal was favourable to Rajaji National Park.

Accordingly it was decided to accept the representation of Shri Raghavendra Seva Samiti and recommend the proposal. The applicant may take up the matter with the state government in due compliance of the related processes as per laws and rules applicable accordingly.

35.4.5.1 Proposal for boundary alteration of Kolleru Wild Life Sanctuary, Andhra Pradesh.

IG WL briefed about the previous decision on the proposal for alteration of boundary and requested Dr.R.Sukumar to present the findings of site inspection. Dr.R.Sukumar briefed the biodiversity and conservation values of the sanctuary. He mentioned that the North Eastern part of the sanctuary, about 16000 ha, which is in private ownership and for which government has not been in a position to pay compensation, is suitable for de-notification from the sanctuary. The Special Chief Secretary, Andhra Pradesh requested the Committee to consider the boundary alteration on the basis of contour of the Kolleru, i.e., from +5m to +3 m. Expressing specific objective of concern for a balance in conservation of bird habitat and livelihood issues of communities, Chairman requested Dr. R.Sukumar and site inspection team to interact with the state government of Andhra Pradesh and finalise the report with recommendations for part of the sanctuary area, which is suitable for de-notification, which would cater the needs of the local land owners while preserving the conservation of the Kolleru Bird Sanctuary. The report will be submitted before next meeting.

36.4.2.4 Proposal for setting up of Solid Waste Management Project at village Jhuriwala in Panchkula District, Haryana

IG WL briefed that the proposal was deferred in the 36th meeting for the information on how the negative impact of the landfill on the ground water and ambient environment. The Chairman asked the user agency to present the proposed mitigation measures for preventing the ground water pollution and ambient environment. The user agency presented the engineering construction measures for composting of municipal solid waste, landfill of inert waste and leachate handling, transportation through pipeline and treatment in Common Effluent Treatment Plant which is away from the site.

Considering that arrangements are in place for ensuring that the leachates do not pollute the ground water and composting of biodegradable waste is also ensured, the Committee agreed to recommend the proposal with the following conditions in addition to those proposed by Chief Wild Life Warden in the proposal and SBWL, to be made part of EC clearance.

- 1. The landfill for inert waste will be based on the standard design and will be covered.*
- 2. Adequate water harvesting structure will be created in the Khol Hai Ratan WLS for providing sustained water and fodder to the wild life within the PA. The cost will be borne by the project proponent.*

36.4.1.17 Diversion of 3.571 ha of reserve forest land falling in Sohelwa Wildlife Sanctuary for construction of Rapti Main Canal passing through Tulsipur Range, district Balrampur, Uttar Pradesh.

IG WL briefed that the proposal was deferred due to absence of the representative of the State in the 36th meeting. CWLW explained that out of total 125 km stretch of the Rapti main canal, 0.81 km (from Km 71.49 to Km 7203) falls in Tulsipur Range of Sohelwa Wildlife Sanctuary. After discussions the Standing Committee decided to recommend the proposal with condition that user agency shall provide landscaped over bridges as animal crossings over the canal within the Sanctuary in consultation with Forest Department, Uttar Pradesh and also conditions prescribed by CWLW as below.

- 1. User agency will ensure that none of their employees/workers shall indulge into any kind of wild life/forest offence causing any loss of flora & fauna in the surroundings.*
- 2. Forest land shall not be used for any purpose other than for the purpose recommended.*
- 3. No tree cutting and soil digging will be allowed in sanctuary/Forest area other than workable area during the construction work.*
- 4. The user agency should not divert any waterways and ignite any fire inside the sanctuary adjacent to the area to be diverted.*

5. *The slope of the ramp should be properly designed (around 1:20) to ensure wild animals do not fall in the canal.*
6. *The user agency should ensure in case of any exigency, water can be pumped from the canal for wildlife purpose without any charge.*
7. *The user agency will create four waterholes between Km 71.490 to 72.300 (Two on either side of the canal) for the wildlife. The size and site of these waterholes will be suggested by the Divisional Forest Officer/protected area manager of the Suhelwa Wild Life Division, Balrampur.*
8. *The instructions/orders passed by the State Govt./Central Govt. and the directions passed by Hon'ble High Court/Supreme Court from time to time regarding such projects shall be complied with.*
9. *No labor camp shall be established within the sanctuary area.*

36.4.1.18 Proposal for Retail outlet (by Essar Oil Ltd) on private land khasra no.248 at village Kalai (within the boundary of Hastinapur Wild Life Sanctuary Area, Amroha forest Division), Tehsil-Dhanaura Uttar Pradesh.

IG WL briefed that the retail outlet of petrol pump is proposed in a private land within the notified area of the sanctuary.

After discussions, the Standing Committee decided to recommend the proposal with conditions prescribed by CWLW as below:

1. *Protection and mitigation measures for wildlife should be ensured as per standard practice in such cases.*
2. *Land shall not be used for any other purpose other than that specified in the proposal.*
3. *The instructions/orders passed by the State Govt./Central Govt. and the directions passed by Hon'ble High Court/Supreme Court from time to time regarding such project shall be complied with.*
4. *User agency will ensure that the project personnel engaged in the project shall observe the provisions of the Wildlife (Protection) Act, 1972 & Rules made thereafter.*
5. *Construction waste materials will not be thrown inside the sanctuary area or movement corridor of wildlife.*
6. *The project proponent shall provide the cost for plantation/forestation work by planting the native species in the area adjacent to project area/ in the sanctuary.*
7. *No labour camp shall be established in the sanctuary/forest area or other sensitive area.*
8. *Two GPS sets shall be provided to the Amroha Forest Division for the survey and demarcation of the sanctuary boundaries.*

36.4.1.19 Diversion of 7.3445 ha private land for construction of high level bridge and approach road across Kuwari River at Bithauli-Chaurela road near village Chaurela in district Etawah, Uttar Pradesh.

IG WL briefed the Standing Committee that the proposal for use of revenue land in the National Chambal Wildlife Sanctuary was deferred in the 36th meeting due to absence of the representative of the State. CWLW explained that the proposed high level bridge provided rural infrastructure to the local people.

After discussions, considering that it was a public utility over revenue land over a tributary of Chambal, the Standing Committee decided to recommend the proposal with the conditions prescribed by CWLW as below.

1. *User agency (PWD, U.P. Etawah) shall provide the funds for reduction in negative impact for conservation & eco-development activities of Wild Life.*
2. *The land shall not be used for any purpose other than that specified in the proposal.*
3. *The instructions/orders passed by the State Govt./Central Govt. and the directions passed by Hon'ble Courts from time to time regarding such project shall be complied with.*
4. *A Bolero vehicle shall be provided to the Chambal Wildlife Division for the protection and conservation of the wildlife.*
5. *Four differential GPS instruments shall be provided for the survey and demarcation of the boundaries of the Chambal WLS.*
6. *No labour camp shall be established within the Sanctuary area.*
7. *Extraction of local river sand shall not be allowed in any circumstances and not be used in construction.*
8. *In any case the proposed site shall not be used for any purpose other than the specified one.*
9. *The user agency will set up a check post near the site and hand it over to National Chambal Wildlife Division, Agra so that the movement of illegal sand and other forest produce can be controlled. This will also secure the wildlife in the area.*

36.4.2.7 NOC for River Noon Lot No.8/1 Sand, Bajri& Boulder Mining project (Area 7.50 ha) falling at a distance about 7.5 km from the Mussoorie Wildlife Sanctuary, District-Dehradun, Uttarakhand.

36.4.2.8 Collection of Minor Minerals from Gulati river in the district Dehradun, to channelize the natural course and protect the river banks and adjoining forest area and habitat from flood. Uttarakhand.

- 36.4.2.9 NOC for Swarna Lot No.17/1 Sand Bajri& Boulder Mining Project, Area 51.463 ha falls about 8 km to the Mussoorie Wildlife Sanctuary, District Dehradun, Uttarakhand.
- 36.4.2.10 NOC for River Noon Lot No.8/2 Sand, Bajri& Boulder Mining project, (Area 7.60 ha) falling at a distance about 9 km from the Mussoorie Wildlife Sanctuary, District-Dehradun, Uttarakhand.
- 36.4.2.11 Collection of minor minerals from Ramgarhrai river (20 Ha) in the district Dehradun, Uttarakhand to channelise the natural course and project the river banks and adjoining forest area and habitat from flood
- 36.4.2.12 Construction of Singoli-Bhatwari Hydroelectric Project 99 MW by M/s L&T Uttaranchal Hydropower Limited. The proposed site falls within 10 kms from the boundary of Kedarnath Wildlife Sanctuary.
- 36.4.2.13 Construction of 171 MW Lata Tapovan Hydro Power Project of NTPC Ltd, Uttarakhand.
- 36.4.2.14 Construction of 520 MW (4x130) Tapovan Vishnugad Hydroelectric Project of NTPC Ltd, Uttarakhand. The proposed site falls outside Nanda Devi National Park at a distance of 7.5 km.
- 36.4.2.15 Diversion of 1.610 ha Forest (Civil Land) for construction of Hapla-Guram-Nail motor road (5 km), Uttarakhand. The proposed site falls within 10 km aerial distance from the Kedarnath Musk Deer Wildlife Sanctuary.

IG WL briefed the Standing Committee on the proposal that all the 9 proposals, outside Protected Areas, were deferred in 36th meeting due to pending ESZ proposals from State Government of Uttarakhand. After discussions the Standing Committee requested CWLW to expedite the process of ESZ proposals to send to Ministry and decided to defer all the 9 proposals till the receipt of ESZ proposals from State.

37.2.2 Action taken on the decisions of the Standing Committee of NBWL taken in its previous meetings.

- 34.4.2.3 Construction of Simang-II HEP (66 MW) by Upper Simang Power Pvt. Ltd in East Siang district of Arunachal Pradesh.
- 34.4.2.4 Construction of Tagurshit HEP (74 MW) by M/s L&T Arunachal Hydro Power Ltd. in West Siang district of Arunachal Pradesh.

IG WL briefed the Standing Committee on the two proposals that these were recommended in the 35th meeting of the Standing Committee in light of the cumulative impact

assessment of the basin and Dr.RSukumar was entrusted to conduct site inspection to assess the impact of the project on wildlife. Accordingly, Dr.R.Sukumar conducted site inspection and submitted the report.

Dr.R.Sukumar explained the physiographic location of HEP (74 MW) with respect Tagurshit River and appraised the EIA report prepared by WAPCOS. He clarified that the conditions laid down in the FC and EC address rest of the issues and the project proponents shall be bound to abide by those as well as conditions for bio diversity conservation specified by the CWLW. Further, the State Govt. and user agency should address social tensions satisfactorily and the implementation of biodiversity conservation plan by user agency should include the community benefits.

Regarding Shimang – II HEP (66MW), he mentioned that the project proponents should abide by the conditions laid down in the clearances obtained under FCA, 1980 and E(P)A, 1986 as well as conditions for bio diversity conservation specified by the CWLW. He mentioned that the penstock of the project cuts through an area under Tocu Palm (*Livistonia jenkinsiana*) clumps, which is an endangered species. He recommended that the user agency, Upper Simang Pvt. Ltd., may take steps to cultivate a compensatory patch of the toku palm on private land close to the project site for benefit of the local community.

The Committee agreed on the recommendations of Dr.R.Sukumar in this respect and confirmed its recommendations of the projects as made in the 35th meeting.

34.4.2.1 Diversion of 300.00 ha of forest land in Kistasagar R.F of Paloncha Division for establishment of Pulp & Paper Industry by M/s ITC Ltd., at Khammam, in favour of APIIC, Hyderabad.

IG WL briefed the Standing Committee on the proposal that Forest Clearance was rejected for the proposal. In view of this, the Standing Committee decided to reject the proposal.

34.4.2.2 Diversion of 231.84 ha of forest land in Chatakonda Reserve Forest of Kothagudem Division for Koyagudem OC-II (Phase-II) coal mining project, in favour of M/s Singareni Collieries Company Ltd., Telangana.

IG WL briefed the Standing Committee on the proposal that the proposal was deferred due to pending ESZ proposal of Kinnerasani WLS from the State of Telangana. The proposal of ESZ has been received in the Ministry and is under process for the draft notification. The proposed expansion project including the existing coal mine is outside proposed ESZ of the Kinnerasani WLS. State Board for Wildlife recommended with conditions of Chief Wildlife Warden, which includes cost of implementation of a Wild Life Management Plan for the forest area to be provided by the Project proponent.

Committee considered that the mineral extraction is a site specific activity and the present proposal is phase II of the project and total area involved in the mine is 678.04 out of which 463 ha is forests. Phase I involved 231.94 ha of forests and the consideration for use of the rest of 231.84 ha forest land was applied for now. After discussions, the Standing Committee decided to recommend the proposal for use of 231.84 ha forest land outside Kinnerseni with the prescribed conditions of CWLW as recommended by the State Board for Wild Life as follows:

1. The cost and responsibility of settling the 150 forest rights in the lands involved will be the responsibility of the project proponents. No other forest land should be claimed in lieu of the forest land diverted.
2. Project proponent will pay Rs 10/- per tonne of coal extracted for wild life development in the state in BIOSAP account for the first 5 years after which this rate may be revised up[wards if felt necessary by Chief Wild Life warden.

ATR of 34th meeting

34.4.2.8 Residential & commercial project under slum rehabilitation authority, Mulund, near Veenanagar opposite LBS Marg, Mulund (West) Ta. Kurla by Aristo Developers.

(This is an expansion project in a total area of 15.97 ha. of which 2.68 ha is already developed/occupied and partly constructed buildings. The major part 13.29 ha is proposed for new development)

(This proposal was taken up with the similar building construction proposals in Agenda Item No 4.2.)

34.4.2.11 Proposal of Ms Stone International Pvt. Ltd Chechat for expansion and renewal of Kotah Stone (Building) production in Mining lease no.22/92 situated in village Chechat in Tehsil RamganjMandi, District Kota which lies at about 6.4 km aerial distance from the Darrah Wildlife Sanctuary/Mukundra Hills National Park.

34.4.2.12 Proposal for renewal of existing lime stone mining lease no.24/87 in village Pipakhedi, Tehsil RamganjMandi District Kota near Darrah Wildlife Sanctuary, Rajasthan by M/s Zahoor Ahmed, Abdul Majid. The proposed mining lease 8.5 km away from Darrah Wildlife Sanctuary.

34.4.2.13 Proposal of Ms Associated Stone industries (Kotah) limited for expansion and renewal of Kotah Stone production in mining lease no.1/89 situated in tehsil Ramganjmandi, District Kota, Rajasthan.

IG WL briefed the Standing Committee on the three mining proposals that the proposal is in vicinity of Mukundara Tiger Reserve. The site inspection was conducted by NTCA and

comments were submitted by NTCA. The representative of the CWLW explained that the three working mining leases are 8 km away from the Mukundra Tiger Reserve/ National Park and ESZ proposal of Mukundra National Park/Tiger Reserve is yet to be finalized by the State.

After discussions, in view of non-finalization of ESZ proposal by state, the Standing Committee deferred the proposal till the receipt of the ESZ proposal from the State

In the meanwhile, the representative of CWLW informed that in compliance to the recommendation of SC NBWL in its 32nd meeting, regarding Lakheri-Chamovali mining lease of M/s ACC Limited, a proposal for modification of buffer zone was under consideration of NTCA. As part of the process, a rapid survey was conducted by NTCA for redefining the buffer zone of Ranthambore Tiger Reserve for delineation of boundaries. The Committee noted this information.

ATR of 32nd meeting

Alteration of boundary of Kaimur Wildlife Sanctuary for exclusion of part of limestone bearing mineral zone from the limits of sanctuary, Bihar.

IG WL briefed the Standing Committee on the proposal that in accordance with the recommendation of 32nd meeting of SC NBWL, the state sent the revised proposal but now, the state informed that they want to revise the proposal which was already sent and requested Standing Committee not to consider it. The Standing Committee considered the request of state and deferred the proposal.

ATR of 31st meeting

Proposal for Jakholsankri Hydroelectric project (51 MW), Uttarakhand by M/s Satluj Jal Vidhut Nigam Ltd.

IG WL briefed the Standing Committee on the proposal that the proposal was deferred by the Standing Committee in its 31st meeting pending orders of Hon'ble Supreme Court on the proposals of HEP in Uttarakhand. The user agency represented that the proposal of Jakholsankri Hydroelectric project (51 MW), is not in the list of the 24 projects on which Hon'ble Supreme Court had shown concern. Whereas, the proposed project is on a tributary of Yamuna and is not included in the said list. The CWLW clarified that the proposal is on the Yamuna tributary.

After discussions, the Standing Committee considered fact that ESZ proposals had not been received from the State. Therefore, the proposal was deferred till the receipt of the ESZ proposals from State.

Agenda Item no.3:**37.3.1 Proposal of National Tiger Conservation Authority (NTCA) under the section 38(1)(O) (b) and (g) of Wild Life (Protection) Act related to Gondia-Jabalpur Broad Gauge Conservation Project of M/s South East Central Railway.**

IGWL explained that the proposal for railways had been referred to NTCA for comments in the application related to Forest Clearance (dealt in MoEF&CC in F no. 8-107/ 2008-FC). However, in accordance with the provision 38 (1) (O) (g) of the Wild Life (protection) Act 1972, mandating NTCA to ensure regulation of activities in the areas connecting one tiger reserve to another, NTCA had proposed to place it before the Standing Committee, as a case of public interest.

With permission of Chair, IG (NTCA) explained the details of the proposal and informed that the case relates to BalaghatNainpur section and lies in Kanha – Penchtiger corridor habitat. He clarified that the matter was considered by NTCA in context of the forest clearance proposal and a list of mitigation measures were prepared by Wild Life Institute of India and finalised and recommended by NTCA after consultation with railways. He explained that the matter requires recommendation of NBWL under the section 38 (1) (O) (g) of WLPA.

The Committee considered the circumstances of the proposal, proposed mitigation measures including underpasses and overpasses recommended by NTCA and agreeable to Railways. Accordingly the advice of NTCA were agreed to be recommended with the condition that all the mitigation measures and other conditions proposed by the state and NTCA will be complied with under the supervision of Railways and the State Forest Department. This recommendation however, will not have any bearing on the ongoing process of consideration for forest clearance as the area involved is not a part of a Protected Area.

Agenda item No. 4**37.4.1 Proposals for diversion of forest land of PAs**

37.4.1.1 Proposal for laying of 11 KV insulated transmission line from Katni to Singrauli in Dubri Kala station passing through Sanjay Dubri Wildlife Sanctuary, Madhya Pradesh.

IG WL briefed the Standing Committee on the proposal. He mentioned that the land of Dubrikala railway station, was transferred to railways before the notification of Sanjay-Dubri Wildlife Sanctuary. Railways have proposed to provide a chain linked fenced corridor with proper canopy cover to provide camouflage to railway station as a safety to wildlife from bright light and restricting entry thereof in the railway station area. The sanctuary being part of the Tiger Reserve, NTCA also was consulted and has given its concurrence to the proposal.

After discussions, the Standing Committee decided to recommend the proposal with the conditions prescribed by the state and NTCA as below:

1. *Fencing of station and electric substation would be ensured to prevent entry of animals.*
2. *Height of poles for transmission line shall be at least 11 meter with ground clearance of the line at least 10 meter.*
3. *For existing transmission line up to the village Dubri, minimum ground clearance of 10 meters should be maintained.*
4. *All poles existing and that will be installed for the transmission line for electrification of Dubri Kalan Railway Station should have suitable spikes up to a height of 3 m (10 Ft) to prevent rubbing of wild animals against electric poles.*
5. *To prevent death of wild animals on the railway line, appropriate arrangements like under passes at appropriate locations are required to be provided after due need assessment by WII.*
6. *Waste at the Railway Station and that of the staff colony should be collected in a suitable container and disposed outside the Tiger Reserve.*

37.4.1.2 Proposal for diversion of 1.908 ha of forest land from the Balaram Ambaji Wildlife Sanctuary for construction of Ambaji Bye Pass road Km 0/0 to 4/526 (length 4.526 km) width 45 mtr. around Ambaji township, Gujarat.

IG WL briefed the Standing Committee on the proposal. He stated that the proposed Bye Pass road would facilitate the traffic during festive seasons. Out of the length of 4.526 km of the bye pass, a length of 424 meter traverses the sanctuary to join the main highway NH-14, which is located along the boundary of the sanctuary. The CWLW, Gujarat mentioned that this bye pass road around Ambaji Township would divert traffic from NH-14 along the sanctuary and especially during the festival season and thus reduce the traffic flow in the area adjacent to the sanctuary.

After discussions, the committee considered that small distance of the bye pass needed to connect it to the main road is saving disturbance to the sanctuary along the longer distance along the sanctuary boundary. This will have beneficial effect and only 424 meter area

will be affected rather than 4.5 km. Therefore, Committee agreed to recommend the proposal with the conditions prescribed by CWLW as below.

1. *There should not be any damage of disturbance in the sanctuary area during construction.*
2. *No labour shades/huts will be created in the sanctuary area during construction.*
3. *No fire places will be created inside the sanctuary.*
4. *The work in the sanctuary will be allowed only in the day time from 8 AM to 6 PM.*
5. *No blasting will be permitted within the sanctuary areas.*
6. *After clearances from NBWL, clearance from FCA will have to be taken.*
7. *The agency and/or contractor will strictly follow the Wildlife (Protection) Act, 1972.*
8. *Any other conditions that may be imposed by the Chief Wildlife Warden/Government and/or the Standing Committee of the National Board for Wildlife will be strictly complied with by the user agency.*

37.4.1.3 Diversion of 0.3507 ha of forest land from Gir Wildlife Sanctuary for laying of 11 KV overhead (Electric Line) for irrigation purpose at village Zankhiya of Una Taluka, Gujarat.

IG WL briefed the Standing Committee on the proposal. He stated that proposed 11KV overhead electric line would provide electricity facility and water supply to farmers of local settlement. The CWLW, Gujarat mentioned that the proposal would provide basic amenities to the villagers living in the enclosures within the sanctuary.

After discussions, the Standing Committee considering that the proposal is for a public utility of no impact to the wild life of the area, decided to recommend the proposal with the conditions prescribed by CWLW as below:

1. *No damage should be caused to flora and fauna of the said area by the user agency and its establishment.*
2. *Insulated cable should be used for transmission lines.*
3. *Labour camp during laying of transmission line shall be kept away from the sanctuary area and necessary fuel wood and other requirement shall be met with by purchase from the market. In no case, the sanctuary shall be burden with such requirements.*
4. *Approval under Forest Conservation Act, 1980, if required, will be obtained separately for use of forest land.*
5. *The agency and/or contractor will strictly follow the Wildlife (Protection) Act, 1972.*
6. *Any other conditions that may be imposed by the Chief Wildlife Warden/ Government and/or the Standing Committee of the National Board for Wildlife will be strictly complied with by the user agency.*

- 37.4.1.4 Diversion of 2.746 ha of land in Shoolpaneshwar Sanctuary for Converting existing old metal Piplod, Pankhala, Sankli, Vagh Umar to Mathasar road to pakka tar road Gujarat.
- 37.4.1.5 Diversion of 0.724 ha of land in Shoolpaneshwar Sanctuary for Converting existing old metal Chokimali Approach road to pakka tar road Gujarat.
- 37.4.1.6 Diversion of 1.9885 ha of land in Shoolpaneshwar Sanctuary for Converting existing old metal Umarva, Joshi to Mathavadi, Mandan, Gora road to pakka tar road Gujarat.
- 37.4.1.7 Diversion of 0.990 ha of land in Shoolpaneshwar Sanctuary for Converting existing old metal Junvad, Kamodiya, Barkhadi road to pakka tar road Gujarat.
- 37.4.1.8 Diversion of 1.323 ha of land in Shoolpaneshwar Sanctuary for Converting existing old metal Mohbudi to Sisha road to pakka tar road Gujarat.
- 37.4.1.9 Diversion of 0.794 ha of land in Shoolpaneshwar Sanctuary for Converting existing old metal Nana – Thavadia Approach road to pakka tar road Gujarat.
- 37.4.1.10 Diversion of 3.8929 ha of land in Shoolpaneshwar Sanctuary for Converting Nigam to Jharwani road to pakka tar road Gujarat.
- 37.4.1.11 Diversion of 0.240 ha of land in Shoolpaneshwar Sanctuary for Converting existing old metal Kaltar to Panch Umar road to pakka tar road Gujarat.
- 37.4.1.12 Diversion of 1.12 ha of land in Shoolpaneshwar Sanctury for Converting existing old metal Fulsar to Ladva road to pakka tar road Gujarat.

IG WL briefed the Standing Committee on the nine proposals located in the area of a single sanctuary and mentioned that these nine existing roads are existing kutchha roads, having been constructed under Forest Rights Act, and the State is proposing to upgrade these roads to metalled tar roads. The CWLW, Gujarat explained that the sanctuary has 105 villages inhabited predominantly by tribes who are poor and deprived of basic civic amenities. The tarring of roads would facilitate in providing basic amenities to the tribal people.

After discussions, the Standing Committee considering the public utility nature of the works and minimum incremental increase in traffic in these rural roads from up-gradation, agreed to recommend all the above nine proposals with the conditions prescribed by CWLW as below.

1. *All the material required for the work should be prepared outside the sanctuary.*
2. *There should not be any damage or disturbance in the sanctuary areas during the work.*
3. *No labour shades/ huts will be created inside the sanctuary area during the work.*
4. *No fire will be ignited inside the sanctuary for any road or ancilliary work and hot mix preparation shall be organized outside the sanctuary limits.*

5. *The work in the sanctuary will be allowed only in the day time from 8 AM to 6 PM.*
6. *Any other conditions that may be imposed by the Chief Wildlife Warden/Government will be strictly complied with by the user agency.*

37.4.1.13 Proposal for diversion of 0.50913 ha of forest land from Balaram Ambaji Wildlife Sanctuary for laying of Optical Fiber Cable from Danta to Ambaji & Palanpur to Abu Road in, Gujarat.

IG WL briefed the Standing Committee on the proposal. He mentioned that the proposal would provide telecom services (3G) to religious tourism places of Ambaji and Abu Road. The CWLW, Gujarat explained that the proposed route is all along the existing Right of Way (RoW) of the road from Danta to Ambaji and Palanpur to Abu Road.

After discussions, considering that the work is aligned along the existing road and not additional area is involved, the Standing Committee agreed to recommend the proposal with the conditions prescribed by CWLW as below:

1. *All the material required for the work should be prepared outside the sanctuary.*
2. *There should not be any damage or disturbance in the sanctuary area during the work.*
3. *No labour shades/huts will be created in the sanctuary area during the work.*
4. *No fire places will be created inside the sanctuary.*
5. *The work in the sanctuary will be allowed only in the day time from 8 AM to 6 PM.*
6. *Any other conditions that may be imposed by the Chief Wildlife Warden/Government will be strictly complied with by the user agency.*

37.4.1.14 Proposal for laying of 48 Core OFC line in 10 Kms in the Air Force Area in Nahargarh Wildlife Sanctuary, Rajasthan.

IG WL briefed the Standing Committee on the proposal. He stated that proposal involves laying of 48 core OFC (optical fibre cable) alongside the road under the territory to Nahargarh Forest reserve of the sanctuary along 10 km distance for providing operational communication to Indian Air Force.

After discussions, considering the strategic importance of the proposal, the Standing Committee decided to recommend the proposal with the conditions prescribed by CWLW, Rajasthan as below.

1. *No night camping by labour/survey personnel will be allowed inside the sanctuary area.*
2. *Project personnel engaged in the project work shall observe the provisions of Wildlife (Protection) Act, 1972 and rules made there under.*
3. *This recommendation will be subject to provisions of other laws like Forest Conservation Act, if and as applicable.*

37.4.2 Proposals for taking up activities within 10 kms from the boundaries of Protected Areas.

37.4.2.1 Proposal for diversion of 12.95 ha and 2.02 ha of forest land in mining lease No.1783 and 1616 for extraction of Manganese ore in Kadathi village of Alagilavada Reserve Forest, Harappanahalli Taluk, Davangere district in favour of M/s Yerrithatha Mining Company, Hospet, Karnataka.

IG WL briefed the Standing Committee on the proposal. He mentioned that it is a case of renewal of lease of an existing mine located at a distance of 7.15 kms away from the boundary of the Ranabennur Blackbuck Sanctuary and falls outside the proposed Eco-sensitive zone of the sanctuary. It was informed that the mine area involves 2.02 ha of forest land also, which is subject to the approval of central government under Forest Conservation Act. Consideration of Standing Committee is part of the decision of the MoEF&CC to refer the cases located within 10 km of a protected area, to Standing Committee of NBWL.

After discussions, considering that the proposal is an existing mining operation, the Standing Committee decided to recommend the proposal with conditions prescribed by CWLW, Karnataka.

37.4.2.2 Diversion of 1.998 ha of private land for stone mining/Gitti which is 5.8 km away the boundary of Ralamandal Wildlife Sanctuary, Madhya Pradesh.

IG WL briefed the Standing Committee on the proposal. He mentioned that the proposed mining site is 5.8 km away outside the boundary of Wildlife Sanctuary. It was informed that the ESZ proposal for the sanctuary was under scrutiny and proposal is for a uniform 100 m width to be declared as ESZ. It was also informed that the ban on mining by the order of Honourable Supreme Court is for a zone of 1 km outside sanctuaries and national parks.

After discussions, the Standing Committee considered the local need of stone/ gatti, and agreed to recommend the proposal with the conditions that Wild Life Warden of the sanctuary will monitor the activities of the impact of the activity on conservation aspects and any default in the compliance of the conditions related to EC shall cause cancellation of this recommendation, meaning thereby environment clearance.

37.4.2.3 Proposal for development and redevelopment of Habibganj Railway Station, district Bhopal, Madhya Pradesh. The proposed site is 6.25 km away from Van Vihar National Park.

IG WL briefed the Standing Committee on the proposal. He mentioned that the proposal is for development and redevelopment of buildings and railway station of Habibganj railway station in the city of Bhopal. The proposed site is outside the proposed Eco-sensitive zone of the Van Vihar National park.

After discussions, considering the need to expand the operational capacity of the railway station, the Standing Committee decided to recommend the proposal with the conditions prescribed by CWLW, Madhya Pradesh.

- 37.4.2.4 Construction of Residential complex by M/s Ashar Venchers at Chitalsar Manpada village, distt. thane survey no. 32/1/6, 32/2g on private land, Maharashtra.
- 37.4.2.5 Construction of residential complex project by M/s Ashar Realators Mouja Pachpakhadi, Distt. Thane, survey No.254/1-B, 256/A pai, 277A pai, 278A pai, 279/3B of private land, Maharashtra.
- 37.4.2.6 Proposal for construction project of Tapir construction Ltd. At Pachpakhadi survey no.53/1, 55, 70/1 (part), 70/2A, 70/4, 70/6, 70/7, 70/8, 70/9B, 71/1/A1/1, 71/1/A/3, 71/2, 71/3A/2, Maharashtra.
- 37.4.2.7 Proposal for residential cum commercial project on plot bearing CTS No.24/1 PT, 24/2, at village Ghodbunder, Ta and Distt. Thane, Maharashtra.
- 37.4.2.8 Proposal for residential cum commercial project at village Sy.No.110/1(PT), 224/1A(PT), 224/1B(PT) at village Ghodbunder thane, Maharashtra for SPH Agro Farms & Estates Pvt. Ltd.
- 37.4.2.9 Proposal for residential cum commercial project, "Mahavir Universe" at Bhandup on C.T.S. No.420, 420/1 to 38, 421/1 to 3,422, 422/1 to 33 & 423 (PL), Bhandup, Mumbai, Maharashtra.
- 37.4.2.10 Proposal for expansion of residential project at village Mulund (east) Mumbai Gautam Enterprises, comprising of C.T.S. no. 62/2, 62/5, 62/8, 62/11, 95/13A & 95/13B & 95/13B, 95/16, 97/1, 97/2A 98/A1, 98/B of village Mulund (East), Maharashtra.
- 37.4.2.11 Proposal for residential and hotel building at plot bearing CTS No.554, 554/1 to 10, 555, 555/1 to 3,556-A, 557, 557/1 to 3,558 to 560, 561(pt), 562, 563, 580 to 583, 589A, 590, 591, 593A, 594A of village Valnai and CTS No.740, 740/1 & 2,728 of village Malad(W), Mumbai.
- 37.4.2.12 Proposal for residential cum commercial project at Sy.No.280/2B2, 281/2A/1A, 288/2D/1B at village Majivade Ta. Thane, Distt. Thane, Maharashtra of M/s Ardent Properties Pvt. Ltd.

- 37.4.2.13 Proposal for construction project of D.D. Associates at Kolshet, Distt., Thane survey no.85/1B, 85/1C, 85/2B, 85/4B, 85/5B, 85/1/1B, 86/1/1C, 86/4B, 87/17B, 87/17C, 87/18C, 87/19, 96/4B, 96/4C, 96/5B, 96/5C & 90, Maharashtra.
- 37.4.2.14 Proposal for construction project of Dosti Enterprises at village Balkum, Thane (W), Distt., Maharashtra.
- 37.5.9 Proposal for construction project of M/s Vihang Enterprises at Bhaidarpada survey no.220/1, 220/2, 220/3, 220/4, 220/5B, 221/1, 221/11, 217/29, 217/30/1, 217/30/4, 217/33, 217/34/195/1, 195/1, 219/1, 219/2 & 219/3 at village Bhayandarpada, Tal. Thane, Dist. Thane, Maharashtra.

IG WL briefed the Standing Committee on the 13 proposals including the ATR item 34.4.2.8 together as all these proposals are located in the vicinity of Sanjay Gandhi National Park. The proposals were placed before the Standing Committee as part of Environmental Clearance process. It was informed that draft notification for ESZ outside Sanjay Gandhi National Park was published on 22 January 2016. Out of the proposals under consideration, 11 are located outside the proposed ESZ as per the draft notification and other two proposals of Ariisto Developers and Vihang Enterprises are located within the proposed ESZ.

The case of Ariisto Developers was deferred in 35th meeting as ESZ proposal for SGNP was not finalized. The proposal is for expansion wherein part of the existing project is abutting the boundary of the SGNP. The Environment Clearance for the expansion is under consideration of the SEIAA, Maharashtra. Vihang Enterprises is fresh proposal within the proposed ESZ of the SGNP and is located 410m towards east from the boundary of SGNP.

All proposals were presented before the Standing Committee on the Decision Support System with location of the projects displayed on Google Earth. Considering the habitations, geo-graphical boundaries and width of ESZ, distance of the project from the boundary of ESZ, the Standing Committee decided as below:

S no.	Distance from SGNP (KM)	Distance from ESZ (KM)	Width of ESZ (KM)	Recommendation of SC NBWL
37.4.2.4. M/s Asher Ventures Pvt Ltd	2.11	1.81	0.3	In middle of dense habitations. Recommended.
37.4.2.5. M/s Asher Realtors	0.63	0.41	0.22	In middle of dense habitations. Recommended.
37.4.2.6. M/s Tapir Construction Ltd	2.13	1.83	0.3	In middle of dense habitations. Recommended.

37.4.2.7. M/s Skylark Realtors Pvt. Ltd (Plot CTS 24/1 etc)	0.24	0.13	0.11	On west to NP. Within already developed area. Recommended.
37.4.2.8. M/s SPH Agro Farms Pvt. Ltd.	0.51	0.4	0.11	On west to NP. Within already developed area. Recommended.
37.4.2.9. M/s Universe Developers Pvt. Ltd	2.04	1.77	0.27	On east on southern part of NP, in middle of habitation. Recommended.
37.4.2.10. M/s Gautam Enterprises Pvt. Ltd.	2.49	2.23	0.26	In middle of dense habitations on east of proposed ESZ. Recommended.
37.4.2.11. M/s American Spring & Pressing Works Pvt. Ltd	3.23	3.06	0.17	In middle of habitation on western side of NP and proposed ESZ. Recommended.
37.4.2.12. M/s Ardent Properties Pvt. Ltd.	0.48	0.23	0.25	In middle of habitation on eastern side of NP and proposed ESZ. Recommended.
37.4.2.13. M/s D.D. Associates	0.37	0.11	0.26	Located on east of ESZ. Separated from NP by Highway. Recommended.
37.4.2.14. M/s Dosti Enterprises Pvt Ltd	2.76	2.51	0.25	In middle of dense habitations on east of NP. Recommended.
Additional Item No. 37.5.9: M/s Vihang Enterprises	0.41	(Inside ESZ of SGNP)	1.20	Located in uninhabited area within ESZ. Information on EC, compliance of approved development plan and local bodies to be verified. Deferred.
ATR Item No. 34.4.2.8 : M/s Ariisto Developers, Mulund	0.08	(Inside ESZ of SGNP)	0.25	Located adjacent to the NP. Information on EC, compliance of approved development plan and local body to be verified. EC status and recommendation of SC NBWL for existing construction to be verified. Deferred.

The Environmental clearance for the projects recommended above shall be subject to monitoring of conditions by the Wild Life Warden and any incidence of non compliance of EC conditions will result in cancellation of recommendations.

37.4.2.15 Proposal for Badampahar Iron Ore Mines in Rairangpur Forest Division, Odisha. The proposed site is 6.10 km away from Similipal Tiger Reserve/Similipal Sanctuary.

IG WL briefed the Standing Committee on the proposal. He informed that it is a case of renewal of lease of an existing mine located at a distance of 6.10 km away from Similipal Tiger Reserve. Further, the NTCA has also accorded concurrence to the proposal. The user agency has submitted the site specific Wildlife Management Plan, approved by PCCF (Wildlife) with the financial cost of Rs. 68.4Lakhs.

Dr.R.Sukumar, member, mentioned that since Badampahar R.F is a part of elephant reserve of Mayurbhanj Elephant Project, adequate mitigation measures need to be undertaken taken to preclude human- wildlife conflict in the vicinity of the mining area. Google Earth image of the area indicated that the existing mine is a part of a large forest tract with connectivity with the nearby forests and corridor connectivity is not jeopardized by the existing mine.

After discussions, the Committee decided to recommend the proposal with the conditions prescribed by CWLW, Odisha as given below:

1. *Additional area of Badampahar shall not be brought under purview of mining area of 10.99 ha (mining forest land/safety zone).*
2. *Existing mines shall use only rock breakers and fibro rippers for extraction.*
3. *The user agency shall deposit an amount of 2% of project cost or Rs.1 crore, whichever is lower in the Tiger Conservation Foundation of the Similipal Tiger Reserve.*
4. *Further, the user agency shall fund a project on elephant dispersal from the Similipal Tiger Reserve to adjoining landscapes to be prepared by State authorities in consultation with domain experts such as the IISc. and Wildlife Institute of India.*
5. *For the future, expansion of NH-6 should be done in letter and spirit of section 38O(1)(g) of the Wildlife (Protection) Act, 1972.*

Further, the Standing Committee requested Dr.R.Sukumar to conduct a site visit to assess the impact of mining on wildlife and suggest further measures for mitigating impact, if any on the wild life in the area, which shall be complied with by the state with cost from the project.

Agenda Item No.5: Additional Agenda for the 37th Meeting of SCNBWL**37.5.1 Review of the National Wildlife Action Plan (2002-2016) and Formulation of National Wildlife Action Plan (2017-2031).**

IGF (WL) informed the Committee that a group of experts was constituted as per the decision of the Standing Committee of National Board for Wildlife (NBWL) in its 26th meeting held on 31st October 2012 to review the existing National Wildlife Action Plan and formulate National wildlife Action Plan for 2017-2031. The Group has held seven rounds of consultations across the country so far and is likely to complete its task of framing a new National Wild Life Action Plan.

The Plan proposes landscape approach in conservation of all uncultivated flora and undomesticated fauna that has ecological value to mankind irrespective of where they occur. It accords special emphasis to rehabilitation of threatened species of wildlife while conserving their habitats which include inland aquatic, coastal and marine eco-systems. It also takes note of concerns relating to climate change on wildlife by integrating it in to wildlife management Planning. The first draft was placed in public domain on the website of the Ministry of Environment, Forest and Climate Change from 2nd February 2016 till 17th February 2016 seeking comments and inputs from various stakeholders. The inputs received from the stakeholders were discussed during the 8th meeting of the said committee and relevant suggestions have been adopted in the draft. The draft NWAP is under finalization and would be ready for presentation in the Ministry soon. Committee noted the information.

37.5.2 Augmentation of fodder & Water scheme in protected areas-A scheme under financial assistance from CAMPA.

IGF (WL) informed the Committee that a pilot project 'Augmentation of Fodder and Water Scheme' aimed at improving habitat in forest areas by making provision for augmenting grass, fodder and water to the wild animals has been designed by Wildlife Division and approved by the National CAMPA Advisory Council. The scheme will be implemented in areas with prevalent human wildlife conflict, where paucity of water and fodder could be a reason for conflict. A tentative outlay of Rs.10.2 Cr. has been proposed for the scheme. 'Guidelines on augmentation of fodder and water scheme in protected areas' prepared by the Wildlife Division in consultation with CAMPA secretariat has been circulated to the State Governments inviting proposals. Ministry has received proposal from the State of Punjab for consideration of funding under this scheme. Ministry has requested CAMPA secretariat to allocate funds for the project and intimate the mode of release of funds.

Chair suggested that augmentation of water sources should be made with small structural modifications in existing/abandoned /old structures. This would improve the overall water table in and near the forests. Examples could be as follows as proposed by Shri Ravindra Joshi of Maharashtra.

- Utilization of old structures / old stop dams
- Artificial water pools in nallahs and small rivers (DOH)
- Conversion of unutilized old low level bridges into check dams
- With minor modifications to existing/proposed structures of culverts and small bridges
- Construction of check dams with nallah deepening

37.5.3 Realignment of core zone of Buxa Tiger Reserve.

IGF (WL) briefed the Standing Committee on the proposal. He mentioned that the proposal was forwarded by CWLW, West Bengal but the comments of the State Govt. have not been received. He stated that NTCA has recommended the proposal under sec 38(O) (b) of Wildlife (Protection) Act, 1972(amended).

After discussions, the Standing Committee opined that the proposal may be agreed to after receiving the views/recommendation of the State Govt. In case there is no reduction of any part of the existing Tiger Reserve and only addition, it can be approved.

37.5.4 Proposal for Wildlife Clearance in respect to Ken- Betwa Link Project- Phase I reg. Madhya Pradesh.

IGF(WL) briefed the Standing Committee on the proposal. He mentioned that the proposal would link Ken and Betwa rivers. He stated that the proposal would result in direct loss of 58.03 sq km (10.07 %) of Critical Tiger Habitat (CTH) of Panna Tiger Reserve due to submergence, 50% loss of existing unique habitat of highly endangered Vulture spp., indirect loss of 105.23 sq km of CTH due to fragmentation and loss of connectivity, displacement of 10 villages etc. NTCA informed that the proposal is being examined under sec 38(O) (b) of Wildlife (Protection) Act, 1972(amended) and it will take some time for finalizing the comments as the proposal involves alienation of large area of CTH. Chair permitted a presentation on the project by the project proponents.

The representative of user agency, Special Secretary, Ministry of Water Resources, made a power point presentation on Phase –I of the project, and its importance in the region of water deficit area of Bundelkhand region. He stated that project would ensure availability of water to draught prone areas in the both the states of Uttar Pradesh and Madhya Pradesh. Further, he mentioned that the project would provide annual irrigation to about 6.0 lakh hectares of land

and drinking water facility to 13.42 lakh people in both the states of Madhya Pradesh and Uttar Pradesh.

Dr.R.Sukumar, member expressed his concern on the impact of the project, in view of its huge submergence, habitat loss and impact on Ghariyal Sanctuary etc.

After discussions, considering the impact of the project on habitat and wildlife of Panna Tiger Reserve, the Standing Committee decided that a Committee comprising of Dr.R.Sukumar, Dr. H S Singh, a representative each from NTCA, WII, State Government and User Agency would conduct a site visit and submit the report in a month for further consideration. This visit can be clubbed with the consideration of NTCA of the project in accordance with the mandate of NTCA in Wild Life (Protection) Act, 1972.

37.5.5 Diversion of 39.604 ha of forestland from Indravati Tiger Reserve for construction of air strip in district Bijapur, Chattisgarh.

IGF (WL) briefed the Standing Committee on the proposal. He mentioned that the proposed involves construction of an air strip in the buffer area of Indravati Tiger Reserve. Further, NTCA had given its concurrence to the proposal under section 38 (O) (b) of The Wild Life (Protection) Act, 1972(amended).

The representative of CWLW of Chattisgarh explained the importance and requirement of the project in view of left wing extremism in the region. After discussions, considering the strategic importance of the proposal, the Standing Committee agreed to recommend the proposal with conditions prescribed by NTCA as given below:

1. *Saplings numbering 1, 22,000 will be planted to compensate trees removed for the project. Plantation of the above samplings will be taken up in buffer area of the Indravati Tiger Reserve for benefit of wildlife. Out of 1,22,000 saplings to be planted, 72,000 saplings of fruit bearing and other indigenous species will be planted at a spacing of 3m X 3m over area of 66 ha. Further 50,000 Dendrocalamus strictus bamboo saplings will be planted over an area of 125 ha at a spacing of 5m X 5m.*
2. *A study shall be entrusted to Wildlife Institute of India to work out measures to reduce the effect of disturbance to wild animals and accident by vehicles as the Air strip will be located close to forest area and National Highway No.63.*
3. *To distract animals from coming at the Air strip/habitation, development of habitat like creation of water bodies, deepening of old water bodies, development of grassland, eradication of weeds and fire protection will be taken up in the buffer ranges of Bijapur and Kutru.*

4. *An amount of Rs.574.59 lakhs, as assessed by the Field Director, Indravati Tiger Reserve should be deposited by the user agency in Tiger Conservation Foundation of the Indravati Tiger Reserve.*

37.5.6 Proposal for diversion of 97.8072 ha of forestland from Wild Ass Wildlife Sanctuary for construction of Kutchh Branch Canal, Dhrangdra Branch Canal & Maliya Branch Canal their distribution net work in Kutchh, Patan, Morbi & Surendranagar district, Gujarat.

37.5.7 Proposal for diversion of 26.4221 ha of forest land from Kachchh Desert Wildlife Sanctuary for construction of distribution network system between chainage 113 to 189 km of Kachchh Branch Canal in Kachchh district, Gujarat.

IGF(WL) briefed the Standing Committee on the above mentioned two proposals. He informed that the Standing Committee had recommended use of 159.05 ha in Wild Ass Sanctuary in its 10th meeting 19th February 2008 and 134.0364 ha of forest land from Kachchh Desert WLS in its 31st meeting on 12th -13th August 2014 for the construction of Kutch Branch Canals. Further, he informed that the user agency had been asked to submit the status of compliances of the conditions stipulated while recommending the aforesaid projects by the Standing Committee.

The representative of user agency made a presentation on the status of compliances of the conditions insisted upon by Standing Committee on the previous two projects. He mentioned that adequate provisions have been made for animal crossings, underground cabling for power supply for lifting water, wildlife passage through canal siphon, 3 wildlife passages through Bridge, fresh water supply to Bets, width of super passages increased from 20m to 50m, slopes of the bridges as prescribed, modified box culverts, etc. It was clarified that the present proposals are for distribution canals for the water channelized through the main project.

After discussions, considering the compliance of the conditions stipulated for previous projects, the Standing Committee agreed to recommend the above two fresh proposals with conditions prescribed by CWLW, Gujarat as below.

- 1) *Labour camps during construction of canal and their distributaries shall be kept away from the sanctuary area and necessary fuel wood and other requirement shall be met with by purchase from the market. In no case, the sanctuary shall be burdened with such requirement.*
- 2) *The user agency or his contractor must ensure the minimum movement of the vehicles and project implementation.*

- 3) *User agency or his contractor will not use any area of the sanctuary other than the area permitted for the given purposes.*
- 4) *The land permitted for use will not be liable to sale or transfer the right and privileges to any other agency.*
- 5) *5% of the cost of the project shall be provided to Gujarat Forest Department for habitat improvement and wildlife conservation in the sanctuary area.*
- 6) *There should not be any hindrance to the natural flow of water during the construction of canal and distributary in the sanctuary.*
- 7) *The Chief Wildlife Warden or the State Government may impose other additional conditions at any stage which will be binding on the user agency.*

37.5.8 Proposal for use of 71.945 ha of forest land in Wild Ass Wildlife Sanctuary for laying of 765 KV D.C. Bhuj-Banaskantha Electric Transmission line by Power Grid Corporation India Ltd., Gujarat.

IGF (WL) briefed the Standing Committee on the proposal. He mentioned that the proposed involves erection of a power transmission line which is a part of Green Corridor and would interconnect the major points in Rajasthan and Gujarat.

The representative of user agency made a presentation on the proposal. He stated that the proposed transmission line crosses the Wild Ass WLS, a length of 10 km for which 26 towers are proposed within the sanctuary. He mentioned the due to strategic location specifics of the project, the proposed route is inevitable.

After discussions, considering the importance of the project in harvesting the renewable resources in the region and its specific strategic location, the Standing Committee decided to recommend the proposal with mitigation measures prescribed by WII for linear infrastructures and conditions prescribed by CWLW as below:

1. *No damage/disturbance should be caused to flora and fauna of the said area by the user agency and its establishment. The User Agency must ensure that there should not be any damage or disturbance to the sanctuary or its wildlife during the work permitted.*
2. *Insulated cable/underground cable or reflectors should be used on transmission lines, wherever feasible, to avoid the hindrance in the movement of migratory birds.*
3. *In consultation with WII, appropriate reflectors and insulated platforms on the towers shall be provided to avoid bird casualties due to the transmission line.*
4. *The User Agency or his contractor must ensure the minimum movement of the vehicles and the staff in the sanctuary area during the project implementation.*
5. *User Agency or his contractor will not use any area of the sanctuary other than the area permitted for laying of the transmission line and its maintenance.*

6. *The land permitted for use will not be liable to sale or transfer the right and privileges to any other agency.*
7. *5% of the cost of the project shall be placed at the disposal of Forest Department for habitat improvement and wildlife conservation in the sanctuary area.*
8. *There should not be any hindrance to the natural flow of water during the laying of the transmission line in the sanctuary.*
9. *Labour camp during laying of transmission line shall be kept away from the sanctuary area and necessary fuel wood and other requirement shall be met with by purchase from the market. In no case the sanctuary shall be burden with such requirements.*

37.5.9 Proposal for construction project of M/s Vihang Enterprises at Bhaidarpada survey no.220/1, 220/2, 220/3, 220/4, 220/5B, 221/1, 221/11, 217/29, 217/30/1, 217/30/4, 217/33, 217/34/195/1, 195/1, 219/1, 219/2 & 219/3 at village Bhayandarpada, Tal. Thane, Dist. Thane, Maharashtra.

(This proposal was taken up with the similar building construction proposals in Agenda Item No 4.2.)

37.5.10 Request of Central Empowered committee for consideration of Standing Committee of NBWL for carrying out renovation/ up-gradation work of the Corbett Wild Life Training Centre located at Kalagarh in the Corbett Tiger Reserve.

With the permission of Chair, IGWL explained about the communication of Central Empowered Committee of Supreme Court. The work of renovation/ up-gradation of the training facility was proposed under the JICA project of MoEF&CC for which the state government had approached Hon'ble Supreme Court for permission. The matter was considered by the CEC and it recommended to the apex court for according permission. In view of the orders of Hon'ble Supreme Court on 5 October 2015 permitting the Standing Committee to consider all cases related to Wild Life matters, CEC requested the case to be placed before this Committee.

Chief Wildlife Warden explained that the centre is an existing one and renovation/ up-gradation is proposed with central assistance available through JICA project for capacity building of forest personnel. He informed that the activity is part of the Tiger Conservation Plan of the Corbett Tiger Reserve.

Committee considered the request of CEC and circumstances and facts explained by the Chief Wild Life Warden. Committee agreed to accord recommend to the proposal.

The meeting ended with the vote of thanks to Chair.

ANNEXURE-1**LIST OF PARTICIPANTS OF THE 37TH MEETING OF THE STANDING COMMITTEE OF NBWL HELD ON 26TH FEBRUARY 2016.**

1	Shri Prakash Javadekar Hon'ble Minister of State (Independent Charge) for Environment & Forests	Chairman
2	Shri Ashok Lavasa, Secretary, Environment, Forests and Climate Change	Invitee
3	Director General of Forests & Special Secretary	Member
4	Dr V.B. Mathur Director, Wildlife Institute of India, Dehradun.	Member
5	Professor Raman Sukumar.	Member
6	Shri Bharat Pathak Director, GEER Foundation, Gujarat.	Member
7	Dr H.S. Singh	Member
8	Shri A.K. Parida, Special Chief Secretary, Forest Department, Government of Andhra Pradesh, Hyderabad.	Member
9	Dr Vivek Saxena, OSD(Forest), Haryana	Invitee
10	Shri Siddhanta Das, Pr.Chief Conservator of Forests(WL), Odisha	Invitee
11	Shri Meyipokyim Aier, Pr.Chief Conservator of Forests (WL), Government of Maharashtra.	Invitee
12	Shri P.K. Upadhyay, CCF(WL) Kota, Rajasthan on behalf of CWLW, Rajasthan.	Invitee
13	Shri P.P. Bhajvaid, Chief Wildlife Warden, Haryana	Invitee
14	Shri M.Prudhuvi Raju , Addl. PCCF (IT&WP), Telangana	Invitee
15	Shri Shahbaz Ahmad, O/o Pr. CCCF(WL), Government of Madhya Pradesh	Invitee
16	Shri S.B.L. Misra, Pr.Chief Conservator of Forests(WL) & CWLW, Andhra Pradesh.	Member
17	Shri Digvijay Singh Khati, Pr.Chief Conservator of Forests & Chief Wildlife Warden, Uttarakhand.	Invitee
18	Shri Anil Kumar, Addl. Director General of Forests (FC)	Invitee
19	Shri Rupak De, Pr.CCF(WL)/CWLW, Uttar Pradesh	Invitee
20	Shri S.C. Pant, Pr. Chief Conservator of Forests(WL)/CWLW, Gujarat	Invitee
21	Shri B.N. Dwivedi, Pr. Chief Conservator of Forests(WL) & Chief Wildlife Warden, Chattisgarh, Raipur	Invitee
22	Shri V. Rama Rao, Chief Conservator of Forests(Wildlife), Project Director, Indravati Tiger Reserve.	Invitee

23	Shri Hanumantaraj. G, Assistant Conservator of Forests, Wildlife Sub Division, Ranebennur, Karnataka Forest Department.	Invitee
24	Shri H.S. Negi, Inspector General of Forests (NTCA).	Invitee
25	Dr S.K. Khanduri, Inspector General of Forests (WL).	Invitee
26	Shri S.P. Vashishth, Deputy Inspector General of Forests(WL)	Invitee
27	Shir Roy P. Thomas, Joint Director(WL)	Invitee
28	Shri Rajasekhar Ratti, Deputy Director (WL).	Invitee



























1605489/2022/REGION PANCHKULA

प्रधान मुख्य वन संरक्षक (वन्य प्राणी) एवं मुख्य वन्य प्राणी वान
हरियाणा, वन विभाग, प्लॉट नं० सी०.18, सैक्टर-6, पंचकुला।
फोन / फैक्स नं० 0172-2941224



अंक 3178

दिनांक 22-1-20

कार्यालय अधिनियम,
हरियाणा शहरी विकास प्राधिकरण,
डिपार्टमेंट नं०-III, पंचकुला।

विषय

4.2 Environmental Clearance for the development of Solid Waste Management Facility at Jhuriwala, Panchkula, Haryana by M/s Executive Engineer, HUDA Division No.-III (F.No. 10-7/2009-IA III)

संख्या

आपका पत्र क्रमांक 18608 दिनांक 11.12.2009।

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उपरोक्त विषय के सम्बन्ध में सन्दर्भित पत्र के अन्तर् में आपको उक्त पत्र
के अन्तर् में जारी है कि निर्माण कार्य आरम्भ करने से पहले हरियाणा शहरी विकास प्राधिकरण
पंचकुला द्वारा निर्धारित बिन्दुओं पर अण्डरटेकिंग वन प्राणी विन वन विभाग, हरियाणा पंचकुला
का दर्शा जारी

1. हरियाणा शहरी विकास प्राधिकरण, पंचकुला अपने शर्तों पर गू-संरक्षण और जल संरक्षण के कार्य करवावेगी।
2. वाटर डिस्ट्रिब्यूट ब्लॉक, रेन वाटर हार्वेस्टिंग का प्रबंध करवावेगी।
3. जिस जगह ट्रेडिंग फ्लोइडिंग के लिए आवश्यक निर्माण करवाया जाना है कम जगह बनाने शकिले के लिए वन/अंतर-दिना सेल और शोवलाय का उचित प्रबंध करेगी।
4. गूक का क्षेत्र शोल्ड-हाट-साल, वन्य प्राणी बिहार के साथ लगते क्षेत्र में है। जो उस एरिया में आज लगाकर हुआ इत्यादि नहीं किया जावेगा तबकि पर्यावरण और वन्य प्राणियों पर इसका कुप्रभाव न पड़े।
5. जिस क्षेत्र में प्रोजेक्ट लगाया जाना है उसकी वलें संरक्षक आठ पीए जमी दोवार बनायी लेगी ताकि वन्य प्राणी इसकी अन्दर प्रवेश न कर सकें। बाउण्डरी के बाहर किसी प्रकार का निर्माण नहीं करेगी।
6. उपरोक्त प्रोजेक्ट के सम्बन्ध में यदि वन संरक्षण अधिनियम के अन्तर्गत वन विभाग हरियाणा, पंचकुला ने कोई स्वीकृति ली जाणी है तो वह आप द्वारा जगह सात पर ली जाये।

(Signature)
अतिरिक्त प्रमुख वन्य प्राणी वान
एवं मुख्य वन्य प्राणी वान
हरियाणा, पंचकुला।

संख्या

दिनांक

इसकी एक प्रति
1. पर्यावरण वन्य प्राणी अधिकारी, पंचकुला।
2. वन्य प्राणी निरीक्षक मोरनी, पंचकुला।
3. पर्यावरण वन्य प्राणी अधिकारी (एन) पंचकुला।

अतिरिक्त प्रमुख वन्य प्राणी वान
एवं मुख्य वन्य प्राणी वान
हरियाणा, पंचकुला।

F.No.10-7/2009-IA-III
Government of India
Ministry of Environment & Forests
(IA-III Division)

Room No. 143,
Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110 003.

Dated: March 1, 2013

To,
The Executive Engineer,
HUDA Division No.III,
Industrial Area Phase-I,
(Near Plot No.97)
Panchkula, Haryana.

Subject: Environmental Clearance for the development of Solid Waste Management Facility at Jhuriwala, Panchkula, Haryana by M/s. Executive Engineer, Huda Division - Reg.

This has reference to your letter No. Div.III(P)/2011/4559 dated 09.03.2011 and subsequent letters dated 10.05.2012, 13.08.2012, 24.8.2012, 11.10.2012, 16.10.2012 seeking Environmental Clearance under the Environment Impact Assessment Notification, 2006. The proposal has been appraised as per prescribed procedure in the light of provisions under the Environment Impact Assessment Notification, 2006 on the basis of the mandatory documents enclosed with the application viz., the Form-I, EIA, EMP, Public Hearing proceedings and the additional clarifications furnished in response to the observations of the Expert Appraisal Committee constituted by the competent authority in its meetings held on 9th - 10th November, 2010, 16th - 17th August, 2012 and 18th - 19th October, 2012.

2. It is interalia, noted that the proposal involves establishment of Common Municipal Solid Waste Management Facility (CMSWMF) at Panchkula Urban Complex. The proposed site is located in 5.35 ha (13.24 acres) area of open scrub vegetation in Jhuriwala which will be used to develop Sanitary Landfill Facilities (SLF) for management of 150 metric tones of municipal solid waste Panchkula Urban Complex. The water requirement is 420 LPD for domestic purpose and 12,136 l/day for flushing and Horticulture purposes. The proposed landfill will receive MSW by road from various wards/localities located within Panchkula urban complex. National Highway-73 connects the site. However, a road down the NH-73 has been proposed for the proper accessibility to the landfill site and landfill facility for proper circulation and movement of vehicles.

3. The project site is in proximity to the protected area notified under Wildlife (Protection) Act, 1972 attracts the General Condition (GC), hence is treated as Category 'A' project of EIA Notification 2006.

4. The project was considered by the EAC in its meeting held on 23rd - 24th April, 2009 and finalized ToR including conduct of Public Hearing. Public hearing was conducted on 25.03.2010 at Panchkula.



5. The permission for diversion of 5.35 hectare of forest land for setting up of Solid Waste-Management Plant at Village Jhuriwala under Section - 4 & 5 of the PLPO 1900 under Pinjore Forest Division Dist. Panchkula has been issued by the Ministry of Environment & Forest, Regional Office, Principal Chief Conservator Forests (Central), Ministry of Environment & Forest, Govt. of India North Regional Office, Chandigarh vide memo No-9-HRC159/2006-CHA/6982 dated 25.08.2008.

6. The Expert Appraisal Committee, after due consideration of the relevant documents submitted by the project proponent and additional clarifications furnished in response to its observations, have recommended for the grant of Environmental Clearance for the project. Accordingly, the Ministry hereby accords necessary Environment Clearance for the above project as per the provisions of Environment Impact Assessment Notification, 2006 and its subsequent amendments, subject to strict compliance of the terms and conditions as follows:

7. **SPECIFIC CONDITIONS:**

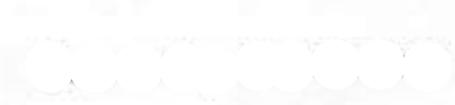
- (i) "Consent for Establishment" shall be obtained from State Pollution Control Committee under Air and Water Act and a copy shall be submitted to the Ministry before start of any construction work at the site.
- (ii) Prior Clearance from Standing Committee of NBWL should be obtained before commencing the facility.
- (iii) The waste lying at the existing dumping site shall be excavated and should be accumulated to designated place within the site and this accumulated waste shall be compacted and closed scientifically after reaching the design height.
- (iv) Boundary wall of 8 feet high should be constructed all along the project site.
- (v) The proposed layout shall be as per the revised plan such that the waste tipping area and processing area and other project components which produces maximum air and noise pollution is farthest from the habitation.
- (vi) State of the art measures should be adopted for odour control from the plant.
- (vii) 30 meters wide green belt with dense vegetation in canopy formation should be provided on the Highway side of the site and 20 meters wide green belt should be provided on the balance portion of the boundary of the site.
- (viii) The proponent shall ensure that the project fulfills all the provisions of Solid Wastes (Management and Handling) Rules, 2000 including collection and transportation design etc.



- (ix) The gas generated from the Landfill facility shall be collected and disposed as per rules.
- (x) The proponent shall obtain necessary clearance from the Ground Water Authority for the use of ground water.
- (xi) The depth of the land fill site shall be decided based on the ground water table at the site.
- (xii) An On Site Emergency Management Plan shall be prepared and implemented.
- (xiii) Periodical ground water/soil monitoring to check the contamination in and around the site shall be carried out.
- (xiv) Any other condition, as stipulated in the court order, should be adhered to.
- (xv) Project proponent shall set up separate environmental management cell for effective implementation of the stipulated environmental safeguards under the supervision of a Senior Executive.
- (xvi) Entire organic material shall be converted into manure. Recyclable material likewise glass, steel etc., shall be sold to recycler. Only inert material which cannot be either composted or recycled shall be sent to land filling.
- (xvii) The fund earmarked for environment management plan shall be included in the budget and this shall not be diverted for any other purposes.

8. **GENERAL CONDITIONS:**

- (i) Adequate provision for infrastructure facilities including water supply fuel and sanitation must be ensured for construction workers during the construction phase of the project to avoid any damage to the environment.
- (ii) Full support shall be extended to the officers of this Ministry/ Regional Office at Chandigarh by the project proponent during inspection of the project for monitoring purposes by furnishing full details and action plan including action taken reports in respect of mitigation measures and other environmental protection activities.
- (iii) A six-Monthly monitoring report shall need to be submitted by the project proponents to the Regional Office of this Ministry at Chandigarh regarding the implementation of the stipulated conditions.
- (iv) Ministry of Environment & Forests or any other competent authority may stipulate any additional conditions or modify the existing ones,



if necessary in the interest of environment and the same shall be complied with.

- (v) The Ministry reserves the right to revoke this clearance if any of the conditions stipulated are not complied with the satisfaction of the Ministry.
- (vi) In the event of a change in project profile or change in the implementation agency, a fresh reference shall be made to the Ministry of Environment and Forests.
- (vii) The project proponents shall inform the Regional Office as well as the Ministry, the date of financial closure and final approval of the project by the concerned authorities and the date of start of land development work.
- (viii) A copy of the clearance letter shall be marked to concerned Panchayat/local NGO, if any, from whom any suggestion/representation has been made received while processing the proposal. The clearance letter shall also be put up on the website of the company by the proponent.
- (ix) Safety provision such as bus bays, service roads intersection improvement etc., will be carried out by the project proponent. The project proponent shall provide adequate facilities as per IRC norms/guidelines.
- (x) State Pollution Control Board shall display a copy of the clearance letter at the Regional Office, District Industries Center and Collector's Office/Tehsildar's office for 30 days.

9. These stipulations would be enforced among others under the provisions of Water (Prevention and Control of Pollution) Act 1974, the Air (Prevention and Control of Pollution) Act 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and EIA Notification 2006, including the amendments and rules made thereafter.

10. All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department, Forest Conservation Act, 1980 and Wildlife (Protection) Act, 1972 etc. shall be obtained, as applicable by project proponents from the respective competent authorities.

11. The project proponent shall advertise in at least two local Newspapers widely circulated in the region, one of which shall be in the vernacular language informing that the project has been accorded Environmental Clearance and copies of clearance letters are available with the State Pollution Control Board and may also be seen on the website of the Ministry of Environment and Forests at <http://www.envfor.nic.in>. The advertisement should be made within 10 days from the date of receipt of the Clearance letter and a copy of the same should be forwarded to the Regional office of this Ministry at Chandigarh.

12. This Clearance is subject to final order of the Hon'ble Supreme Court of India in the matter of Goa Foundation Vs. Union of India in Writ Petition (Civil) No.460 of 2004 as may be applicable to this project.

13. Status of compliance to the various stipulated environmental conditions and environmental safeguards will be uploaded by the project proponent in its website.

14. Any appeal against this clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

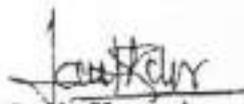
15. The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e-mail) to the respective Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB.

16. The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of EC conditions and shall also be sent to the respective Regional Offices of MoEF by e-mail.

(Lalit Kapur)
Director (IA-III)

Copy to:

1. The Secretary, Department of Environment, Government of Punjab, Chandigarh.
2. The Chairman, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi - 110 032
3. The Member Secretary, Punjab Pollution Control Board, Vatavaran Bhavan, Nabha road, Patiala-147001, Punjab.
4. The CCF, Regional Office, Ministry of Environment & Forests (NZ), Bays No. 24-25, Sector-31-A, Dakshin Marg, Chandigarh-160030
5. IA - Division, Monitoring Cell, MoEF, New Delhi - 110003.
6. Guard file


(Lalit Kapur)
Director (IA-III)

HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR-6, PANCHKULA
Ph-0172-577870-73, Fax No. 2581201
E-mail: hspcbhazardouswaste@gmail.com

No. HSPCB/HWM/2022/ Dated: 17/05/2022

MEETING NOTICE

DATE: 19.05.2022

TIME: 10.00 AM

Venue: Conference Room
Of HSPCB

Sub : Review Meeting of the progress made in compliance of directions of Hon'ble NGT in OA No. 225/2021 (Sanjay Kumar Vs UoI & Ors.) and OA No. 04/2022 (Sanjay Kumar Vs UoI & Ors) - Reg.

With reference to the above subject undersigned is directed to inform you that a meeting to review the progress made in compliance of the directions of Hon'ble NGT, in OA No.225/2021 (Sanjay Kumar Vs UoI & Ors) and OA No. 04/2022 (Sanjay Kumar Vs UoI & Ors) is scheduled to be held under the Chairmanship of Sh. S. Narayanan, IFS, Member Secretary, HSPCB, Panchkula on **19.05.2022 at 10.00 AM** at Conference Room of Haryana State Pollution Control Board, C-11, Sector-6, Panchkula, and to finalize the action taken report to be submitted before Hon'ble NGT. Copies are all relevant orders and documents are enclosed along for your information.

You are kindly requested to make it convenient to attend the above said meeting as per the schedule indicated.

D/A : As above

**Sr. Env. Engineer (HQ)
For Member Secretary**

To

1. Chief Wildlife Warden, Haryana, Panchkula
2. Regional Director, CPCB Chandigarh.
3. Deputy Commissioner, Panchkula.
4. Commissioner, Municipal Corporation, Panchkula.
5. Wildlife Warden, Panchkula
6. Regional Officer, Panchkula

Endst. No. HSPCB/HWM/2022/ Dated: 17/05/2022

Proceedings of the meeting of Joint Committee constituted by Hon'ble NGT vide its order dated 21.01.2022 in OA No. 04/2022 in the matter of Sanjay Kumar Vs Union of India and Ors and Hon'ble NGT held on 19.05.2022 at, 10:00 Hrs at Conference Room of Haryana State Pollution Control Board, Panchkula.

The meeting of Joint Committee constituted by Hon'ble NGT vide its order dated 21.01.2022 in OA No. 04/2022 in the matter of Sanjay Kumar Vs Union of India and Others was held on 19.05.2022 at 10:00 Hrs at Conference Room of Haryana State Pollution Control Board, in compliance of the directions issued by Hon'ble NGT. The list of participants is attached at **Annex**.

Member Secretary, Haryana State Pollution Control Board welcomed the participants and briefly explained the objective of the meeting. MS, HSPCB clarified the Joint Committee and other participants that the Hon'ble NGT, vide its order dated 17.09.2021 in OA No.225/2021 (Sanjay Kumar Vs UoI & Ors) has directed the issue was to be considered by the Joint Committee of CPCB, SPCB and CWLW, which will hold its meeting, undertake visit to the site, interact with the stakeholders and take remedial action in exercise of their statutory powers, in which CWLW was the nodal officer. And the present application (OA No.4/2022) by the same applicant, is in fact an EA, where the Hon'ble Tribunal has observed that the allegation on continued illegal and unscientific dumping has to be verified by another Joint Committee of SPCB, CCF and DM, Panchkula, wherein SPCB has been made as the nodal agency and the Committee has been directed to submit the report within 2 months and it is necessary to take up the matter on top priority.

It was further informed that the Sub-Committee constituted by the Joint Committee comprising of members from CPCB, HSPCB and Wild Life Department of Haryana, in compliance of the order dated 17.09.2021 of the Hon'ble NGT in OA No. 225/2021 in the matter of Sanjay Kumar Vs Union of India and Ors, submitted the final report to the Joint Committee. The discussion held in the meeting and the decisions taken are as below.

1. RO, HSPCB, Panchkula informed that HSPCB has already imposed the penalty of Rs. 30 Lac on Municipal Corporation, Panchkula @ Rs. 05 lakh per month from 10.07.2021 to 31.12.2021 for discharging the leachate from the dumping site into River Ghaggar through natural drain passing through the site as per the findings of the Sub-Committee and also proposed for imposition of Environment Compensation of Rs. 1513 Lac on the Municipal Corporation Panchkula and Rs. 309 Lac on

Municipal Council, Kalka for dumping of solid waste unscientifically at Jhuriwala site, which is under process. He further informed that a complaint is also being filed against MC, Panchkula, which has been advised to send the details of concerned officials and posting orders.

2. Municipal Corporation, Panchkula (MCP) informed that it has taken a number of steps to improve its working and elaborated that it is presently collecting 100 MT of garbage from door to door under its jurisdiction, doing segregation, composting and processing it on day-to-day basis and many of these works have been outsourced to a competent private agency since 15.02.2022. It further informed that a wall is getting constructed along the boundary, with temporary tin sheets around the site to prevent spillage and seepage from the garbage is reaching out of the confined area. MCP also informed that it is undertaking a lot of IEC activities for sensitizing the people on source segregation and composting. It further informed that the garbage from the natural drain has been removed through special efforts and treatment using microbial culture for treating the damage in that area is underway. Pesticides are being sprayed to control the flies and their breeding besides laying of HDPE linear 500 micron in the site to avoid seepage of leachate from the waste dumped in the area. MCP has engaged Trommels for managing the waste in the area and has also started segregation of metals from the waste being collected which are sent to recycling units.
3. Wildlife Department clarified that the area now falls outside the wildlife sanctuary area as well as eco sensitive zone but maintained that the conditions imposed while granting NOC to MCP vide No. 9-HRB159/2006-CHA/3755 dated 29.04.2011 for the solid waste management facility still hold good for the site. The Wildlife Department informed that they are not in a position to take any legal action against the MC as the area is outside the notified eco sensitive zone and not part of wildlife area anymore. However, they were requested to make the stance clear whether the conditions imposed from the wildlife angle in the earlier NOC are now valid or not and whether they are advisory in nature or having legal binding. Further, since the land was handed over by the Forest Department to MC for a specific purpose with specific conditions, the Forest Department was also requested to indicate what legal actions are due from their side and what actions have been taken so far, for incorporating in the report, to be submitted to Hon'ble Tribunal.
4. MS, HSPCB reiterated the point that the present application (OA No.4/2022) by the same applicant, is in fact an EA, where the Hon'ble Tribunal has observed that the allegation on continued illegal and

unscientific dumping has to be verified by another Joint Committee of SPCB, CCF and DM, Panchkula, wherein SPCB has been made as the nodal agency and the Committee has been directed to submit the report within 2 months. MS, HSPCB further informed that since the first Committee's conclusions / decisions / ATR are not concluded properly yet, it is necessary to take up the following on top priority.

- (i) The different enforcement agencies – HSPCB, Forest and Wildlife Department should go through the reports of Sub Committee and submit their reports on actions taken against the violations. If there are no violations, that part should be clearly indicated for incorporating in the report of the Joint Committee
- (ii) The District Administration may send its comments on actions undertaken at its level on the complaints and grievances received from the locals / general public on the issue.
- (iii) Municipal Corporation of Panchkula should come out with a clear cut plan on how they are proposing to manage the legacy waste in the area, what they are planning to do with the daily addition and the timeline required for completing the tasks along with the interim measures proposed to be undertaken to address the grievances received and to mitigate the pollution created in the area.
- (iv) Municipal Corporation of Panchkula was again directed to stop adding fresh waste illegally at this site and find an alternative on top priority.

All Departments / agencies concerned were advised to send the reports within a week time for finalizing the report, in compliance of the directions of Hon'ble NGT. Regional Officer, HSPCB, Panchkula was directed to arrange for the next meeting in the first week of June 2022 along with the final action taken reports.

The meeting ended with thanks to all participants.

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Annex

List of participants of the meeting of Joint Committee constituted by Hon'ble NGT in the matter of Sanjay Kumar Vs Union of India and Ors held on 19.05.2022 at, 10:00 Hrs at Conference Room of Haryana State Pollution Control Board, Panchkula.

S. No.	Name & Designation
1.	Sh Pankaj Goel, IFS, Chief Wildlife Warden, Government of Haryana
2.	Sh S. Narayanan IFS, Member Secretary, HSPCB.
3.	Sh. M L Rajvanshi, IFS, Additional PCCF, Wildlife Department, Government of Haryana
4.	Sh Gurnam Singh, Regional Director, CPCB, Chandigarh
5.	Sh Mahavir Kaushik, IAS, Deputy Commissioner, Panchkula
6.	Sh Dharambir Singh, IAS, Commissioner, Municipal Corporation, Panchkula.
7.	Sh Bhupender Singh Raghav, HFS, Divisional Forest Officer, Morni.
8.	Sh Virender Punia, Regional Officer, Panchkula, HSPCB
9.	Sh Pramod Kumar, Ex. En., Municipal Corporation, Panchkula.

AGENDA ITEM No. 90.4.1

Site Inspection report on Integrated Municipal Solid Waste Management Facility (IMSWM) at Jhuriwala Village, Panchkula, Haryana, India by M/s Municipal Corporation Panchkula.

(IA/HR/MIS/230385/2021; F. No. 21-58/2021-IA-II).

The Member Secretary, EAC (Infra 2) circulated the site inspection report submitted by the sub-committee of EAC (Infra-2) on the project, Integrated Municipal Solid Waste Management Facility (IMSWM) at Jhuriwala Village, Panchkula, Haryana, India by M/s Municipal Corporation Panchkula, to other members of the committee for further comments (Annexure 7). Based on the detailed deliberation, the EAC (Infra-2) recommended the findings of sub-committee for further necessary action.

AGENDA ITEM No. 90.4.2

Site Inspection report on Amendment in Environmental Clearance (F. No. No. 10-84/2018-IA-III dated 07.02.2020) for Installation of Common Hazardous Waste Incinerator of capacity 10 MT/day at Plot No. D-26, UPSIDC, Sikandrabad Industrial Area, District Bulandshahar, Uttar Pradesh by M/s Sheetal Waste Management.

(IA/UP/MIS/256070/2022; F. No. 21-26/2022-IA-III).

The Member Secretary, EAC (Infra 2) circulated the site inspection report submitted by the sub-committee of EAC (Infra-2) on the project, Installation of Common Hazardous Waste Incinerator of capacity 10 MT/day at Plot No. D-26, UPSIDC, Sikandrabad Industrial Area, District Bulandshahar, Uttar Pradesh by M/s Sheetal Waste Management, to other committee members for further comments. The EAC (Infra-2), based on the detailed discussions held, was of the opinion that further deliberation is required on certain points. Accordingly, the EAC (Infra-2) decided to deliberate further on the matter in its forthcoming meeting.

SITE INSPECTION REPORT

PROJECT:

Integrated Municipal Solid Waste Management Facility (MSWM) at Jhuriwala Village, Panchkula, Haryana, India by Municipal Corporation Panchkula (Proposal No. IA/HR/MIS/230385/2021; F. No. 21-58/2021-IA-II).

Date of site inspection: 28th May 2022

Sub-committee constituted vide O.M.: 21/58/2021-IA.III dated 23.05.2022

Members of the subcommittee:

Dr. N.P. Shukla, Chairman, EAC (Infra -2)

Mr. B.C. Nigam, Member, EAC (Infra -2)

Mr. V. Suresh, Member EAC (Infra -2)

Dr. Ashish Kumar Add. Director cum Member Secretary, EAC (Infra-2)

Background information:

1. The instant matter is regarding the application of ToR for the Proposed Integrated Municipal Solid Waste Management Facility (MSWM) at Jhuriwala Village, Panchkula, Haryana by Municipal Corporation Panchkula (Proposal No. IA/HR/MIS/230385/2021; F. No. 21-58/2021-IA-III). The said proposal was examined by EAC (Infra-2) in its 73rd meeting held on 29th September 2021 and 75th meeting held on 27-28th October 2021.
2. During the appraisal process, the EAC (Infra-2) expressed its concern about the conversion of forest land for use as a waste management/landfill site. In the meantime, the committee received a representation from Citizen Committee – House Owners Welfare Association, Sector-25, Panchkula, vide their letter dated 24.10.2021 (Annexure 7A) highlighting issues related to the proposed project site. During the field visit, the Project Proponent was asked to submit their written response on the points raised in the aforesaid representation, which they submitted later vide their letter dated 06.06.2022 (Annexure 7B).
3. The EAC (Infra-2) also noted that litigation has been filed against the project. Therefore, based on the information submitted and clarifications provided by the Project Proponent and detailed discussions held on all the issues, the EAC (Infra 2) was of the opinion to conduct a site visit before arriving at a decision on the project proposal.

Issues of concern:

1. Whether the site selected, is in compliance with the statutory criteria as laid out in CPHEEO (Central Public Health and Environment organization of Ministry of urban development, GOI, under Swachh Bharat Mission)?
2. The site selected is in the forest area. Should the site for establishing Solid Waste Disposal and Management Facility be located in a natural forest or on any barren land of lesser usage?
3. Does the forest clearance received under F.C act 1980, in 2011, as per the statutory laws and rules for giving such forest clearances?
4. What is the present status of the site?
5. What is the truth and genuineness in the representation received from the nearby resident population, who have mentioned that they are suffering from polluted air quality and underground water is also getting polluted?
6. What is the status of pending court cases?

The latest order of the court having bearing in this matter.

Inspection Details:

1. An initial meeting with the local officers was conducted in which the project proponent made a presentation on the issues of concern.
2. This was followed by the field visit to the site and to the resident's colony. A number of residents were present on the site to convey their grievances.
3. After returning from the site, an exit meeting was held in which issues were discussed as per the situation in the field.

The outcome of the visit and discussion

1. **Suitability of the Site:** The following chart clearly brings out the facts and parameters in the field vis-a-vis mandatory criteria as laid out in the statutory guidelines for the selection of any site for the IMSWF site.

S. No.	CRITERIA	CPHEEO GUIDELINES	DESCRIPTION OF THE SITE
1	Lake/Pond	200 m away from the Lake/Pond	No lake/pond within 200m
2	River/Streams	100 m away from the river/stream	A natural stream is passing adjoining the site, which is less than 100m away.
3	Flood Plain	No Landfill shall be constructed within a 100-year flood plain	Mandatory NOC from the irrigation department is not available.
4	Highway	Away from 200 m NHA/State	NH-73 (0.800 Km) W NH- 22 (2.65 Km) NW

			NOC from NHA, obtained vide letter NHA/PIU/Chandigarh/11182/NH-73/88, Dt: 11.01.2010. [site inspection revealed that the site is less than 100 meters from NH-07]
5	Public Parks	300 m away from public parks	No parks within 0.3 km
6	Wet Lands	No landfill within wetlands	Not a wetland
7	Habitation	500m away from the notified habitation	Nearest Habitation is 280m away from the site
8	Groundwater Table	Groundwater table > 2m	The actual depth of the groundwater table is to be established by borehole investigations. [not done]
9	Critical Habitat Area	No landfill within the Critical habitat area. It is defined as the area in which 1 or more endangered species live	No critical habitat
10	Airports	No landfill within 20 Km	Chandigarh Airport is 5.84Km away from the site. NOC was obtained from Air Force Authority, Ministry of Defence, Govt of India, New Delhi, dated: 25.10.2010. [No NOC from Airport Authority of India]
11	Water Supply Schemes/Wells	Minimum 500 m Away	No water supply schemes/wells are located within 500 m from the site. [the nearby residents complained that many drinking water borewell in the nearby area has been closed by the administration due to polluted water. This needs investigation]
12.	CRZ	Should not be sited	Not Applicable

The above analysis clearly shows that items no.2,3,4,7,8,10 and 11 do not meet the statutory criteria. Hence this site is not suitable for the establishment of IMSWF, as per the criteria laid out in relevant GOI guidelines.

2. **Site in the forest area:** With the advent of new scientific information pouring in about the importance of biodiversity for human existence, be it climate change, zoonotic diseases like Covid, warming of the earth, dwindling agriculture production, or unprecedented frequent floods, it will be a disaster to cut a natural forest for the dumping of wastes and establishing IMSWF.

This activity of developing IMSWF can be taken upon any unproductive piece of barren land away from the habitation. This will help not only preserve the forest and the wildlife habitat but will also provide habitable and conducive air and water for the upcoming generations

The big question to be answered is why destroy a good natural forest when this activity is possible on any other land?

3. Discrepancies in forest clearance:

- a) On examination of papers related to the forest clearance granted in 2011, it was seen that the document does not speak of the Stage- 2 clearance. In fact, during the inquiry, it was also revealed the land for the compensatory afforestation has still not been handed over to the forest department. This means the conditions laid out in the stage- 1 clearance letter has not been compiled as yet. As per the guidelines, stage -2 clearance is issued when all the conditions as laid out in stage -1 have been compiled.
- b) On the ownership of land: It has been claimed that the land is diverted for use by Panchkula Municipal Corporation. As per the provisions of the Forest Conservation Act 1980, and as per the forest clearance letter dated 29.04.2011 the legal status of the forest land cannot be changed. However, it can be used for the certain non-forestry purpose, so permitted, as per the provisions of F.C. Act and rules after obtaining stage 1 and 2 clearances by following the due process. This process has not been complete, as yet. However, HUDA's letter says the Forest land use was diverted based on the clearance of PCB. This amounts to a violation of the Forest Conservation Act 1980.
- c) The surrounding drainage for stormwater (rainwater) is crossing through the middle of land and partial blocking of the hydraulic path has been done, by filling soil.
- d) The officials and citizens were mentioning the movement of wild animals on site.
- e) Boundary wall of civil construction and steel rails have been put up on the border of the site and highway.
- f) Sector 23 site was seen more as a dumping yard for earlier waste without treatment. Though the dumping is discontinued, but huge untreated waste dumps are available on the site.

The examination of the concerned file during the site visit revealed other procedural discrepancies. The FC division of the MoEF&CC may decide to enquire into this matter, as to answer this concern.

- 4. Present condition of the site:** The visit to the site revealed that the activity of dumping huge waste is being undertaken on the site. On enquiry the PP could not produce any letter of Environmental Clearance and CTO. Not only this, the natural water channels which bring water from the all-around undulating forest and from the surrounding watershed have also been blocked by cutting soil.

This reveals a violation of the environmental laws and unscientific management of the site in gross violation of the guidelines of Swachh Bharat Mission, Municipal Solid Waste Manual.

- 5. Representation submitted by the nearby residents:** The representation was submitted by the "House owner's Welfare Association sector 75, Panchkula." The Residents were also heard on the site. The pointwise reply submitted by the project

proponent with regard to this representation is enclosed is self-explanatory. It reveals many violations and misinformation by the project proponent.

6. **Pending Court cases:** This is as per the information which could be hunted out of the available documents.

1) **CWP NO. 21506 of 2016 (O&M) Alka Sarin Vs Union of India & others. [Disposed]**

The operative part of the latest order dated 25.10.2018 in the case reads as below:

"Shri Amar Vivek, learned Additional Advocate General appearing for the State of Haryana at the outset made a statement that the State shall not proceed with the project of setting up a solid waste management plant unless and until all the necessary required clearances for the said project under any of the statute or enactment, if required, are obtained."

2) **CWP 18664 OF 2021 (pending)**

The operative part of the order is dated 20.09.2021 in the case reads as below:

"The competent authority i.e. respondent No. 4 — Department of Urban Local Bodies, Haryana, which is in seisin of the issues relating to the forest area, is directed to file an affidavit in this regard within a week and ensure due compliance of the provisions of law and take action in respect of the violation thereof."

3) **CM-14408-CWP-2021 In/and CWP 18664-2021 CITIZEN COMMITTEE HOUSE OWNERS, SECTOR 25 PANCHKULA AND OTHERS Vs UNION OF INDIA and others. (order dated 29.09.2021)**

Pending

4) **NGT – IA 225/2021(Original IA no. 170/2021)**

Sanjay Kumar Vs Union of India & others

The operative part of the order is dated 17.09.2021 in the case reads as below:

"We have considered the matter. We are of the opinion that the issue needs to be first considered by a joint Committee of statutory regulators - CPCB, State PCB and Chief Wildlife Warden, Haryana. Chief Wildlife Warden, Haryana will be the nodal agency for coordination and compliance. The Committee may hold its first meeting within 15 days, undertake visit to the site, interact with the Stakeholders and take remedial action in exercise of their statutory powers, following due process of law. It will be open to conduct meetings online, except the site visit."

A copy of this order be forwarded to CPCB, State PCB and Chief Wildlife Warden, Haryana by e-mail for compliance."

7. **Latest order of the Supreme court of India:** In a significant order, the Supreme Court directed that each protected forest should have an Eco-Sensitive Zone (ESZ) of 1 kilometer. A bench comprising Justices L Nageswara Rao, BR Gavai, and Aniruddha Bose passed the directions in applications filed in the TN Godavarman Thirumalpad.

<https://www.livelaw.in/top-stories/supreme-court-1-km-esz-protected-forests-bans-permanent-structures-no-mining-wildlife-sanctuaries-national-parks-200760>

CONCLUSION

In light of the above facts and observations during the site visit following facts clearly emerge:

- A. This site is not suitable for the establishment of IMSWF, as per the criteria laid out in relevant GOI guidelines.
- B. Seeing the importance of environmental conservation, it will not be proper to set up an IMSWF site and plant in a natural forest with rich biodiversity adjacent to a wildlife sanctuary. Moreover, the area also receives natural water channels from a nearby undulating watershed having rich forests of the wildlife sanctuary. It will be in the fitness of things to find a suitable site which can be located taking resort to cluster approach for setting up solid waste management plant (refer to: https://cpcb.nic.in/uploads/MSW/Action_plan.pdf)
- C. There seems to be discrepancies in the forest clearance granted earlier. This needs investigation.
- D. There are violations of the environmental laws and of guidelines of Swachh Bharat Mission, Municipal Solid Waste Manual.
- E. Regarding representation:
- F. As per the latest order of NGT dated 17.09.2021, the matter is to be first considered by "CPCB, State PCB and Chief Wildlife Warden, Haryana. Chief Wildlife Warden, Haryana will be the nodal agency for coordination and compliance."
- G. *Latest order of the Supreme court declaring ESZ of a minimum 1 km for all protected areas, makes this site unfit for solid waste management. The report of this committee is awaited.*

The above report is submitted to the full committee of EAC-2 for consideration.

I/95253/2022

2353553/2022/REGION PANCHKULA



Regional Office, Panchkula Region
Haryana State Pollution Control Board
 SCO-115-116, 1st Floor, Sector-25, Panchkula
 Website - www.hspcb.gov.in E-Mail - hspcbropkl@gmail.com

To
 The Executive Engineer,
 Municipal Corporation,
 Panchkula.

Sub: Compliance of directions of deposition of Environmental Compensation of Rs. 30 Lacs (for the period July-2021 to Dec-2021 i.e. for 06 months) with CPCB for untreated discharge from 01 no. source in to river Ghaggar as directed by Hon'ble NGT vide order dated 06.12.2019 in OA No. 673 of 2018 Titled as "More river stretches are now critically polluted; CPCB" and orders dated 11.09.2019 in OA No. 6 of 2012 Titled as Manoj Mishra Versus Union of India & Ors.

Whereas the Hon'ble NGT vide orders dated 06.12.2019 in OA No. 673 of 2018 Titled as "More river stretches are now critically polluted; CPCB" passed the following directions:-

"XII. Directions:

47. We now sum our directions as follows:

i. 100% treatment of sewage may be ensured as directed by this Tribunal vide order dated 28.08.2019 in OA No. 593/2017 by 31.03.2020 at least to the extent of in-situ remediation and before the said date, commencement of setting up of STPs and the work of connecting all the drains and other sources of generation of sewage to the STPs must be ensured. If this is not done, the local bodies and the concerned departments of the States/UTs will be liable to pay compensation as already directed vide order dated 22.08.2019 in the case of river Ganga i.e. Rs. 5 lakhs per month per drain, for default in in-situ remediation and Rs. 5 lakhs per STP for default in commencement of setting up of the STP."

Whereas the Hon'ble NGT vide orders dated 11.09.2019 in OA No. 6 of 2012 Titled as Manoj Mishra Versus Union of India & Ors, also passed the following directions:-

"vi. **Compensation and Accountability:** Directions on the subject in respect of NCT Delhi will apply to the State of Haryana also. Bioremediation and/or phytoremediation or any other remediation measures may start as an interim measure positively from 01.01.2020, failing which the Govt. Of Haryana may be liable to pay compensation of Rs. 5 Lakhs per month per drain to be deposited with the CPCB. This however, is not to be taken as an excuse to delay the installation of STPs, sewerage network and its connectivity. For delay of the work, the Chief Secretary, Govt. of Haryana must identify the officers responsible and assign specific accountability. Wherever there are violations, adverse entries in the ACRs must be made in respect of such identified officers for delay in setting up of STPs, sewerage network and its connectivity by the concerned head of the department."

Whereas it is submitted that during survey of pollution sources in Ghaggar River, the discharge of following sources were found falling in the Ghaggar River:-

1. Leachate from Jhuriwala Site falling into River Ghaggar through natural drain.

The average daily discharge comes out to be approx. 0.2 MLD from these 01 source and falling into River Ghaggar through limits as under:-

I/95253/2022

2353553/2022/REGION PANCHKULA

Name of Drain	Sampling point	A/R No. & Date	Parameter	Results
River Ghaggar	Leachate from Jhuriwala Site falling into River Ghaggar through natural drain.	2675 dated 29.10.2021	TSS	1780.0
			BOD	420.0
			COD	1344.0

Whereas you are failed to comply with the various directions passed by Hon'ble NGT, New Delhi as referred above and you are also failed to submit the directed Environmental Compensation i.e. Rs. 5 lakhs per month per drain.

Whereas you are liable to pay Environmental Compensation of Rs. 5 lakhs per month to CPCB immediately for the period of July-2021 to Dec-2021 (for 06 months) in compliance of above referred directions of Hon'ble NGT, New Delhi.

Signed by Nirmala Puri,
Date: 01/10/2022
Reason: Approved

**Regional officer
Panchkula Region**

Endst. No. HSPCB/PKL/2022/

Dated:

A copy of the above is forwarded to the following for kind information please:-

1. Worthy Deputy Commissioner, Panchkula.
2. Member Secretary, Haryana State Pollution Control Board

**Regional officer
Panchkula Region**

Regional Office, Panchkula Region
Haryana State Pollution Control Board

SCO-115-116 (1st Floor), Sector -25, Panchkula

Website-www.hspcb.gov.in
hspcbropkl@gmail.com

E-Mail

Dated: 24/04/2022

To

1. Municipal Corporation,
Panchkula.

2. Administrator,
Municipal Council, Kalka,
Panchkula.

Sub: Direction regarding compliance on the land fill site at Jhuriwala under section 4 of the Municipal Solid Waste (Management & Handling) Rules, 2016.

Whereas the O.A. No. 4/22 titled as Sanjay Kumar V/s Union of India & Ors. has been pending before the Hon'ble NGT against the illegal and unscientific dumping of solid waste is still continuing at Village-Jhuriwala site, inspite of order dt. 17.09.2021 in OA No. 225 of 2021 passed by the Hon'ble NGT.

Whereas you are bound to be complying with the provisions of Solid Waste Management Rules, 2016 but same is not being complied.

Whereas the land fill site at Jhuriwala was to be developed as per Municipal Solid Waste (Management & Handling) Rules, 2016, but the same is not being developed yet & MC, Panchkula & MC, Kalka started unscientific and illegal dumping of solid waste.

- o Whereas boundary wall of 8 ft height should be constructed all along the site to avoid entry of wild animals but same is not being done yet.
- o Whereas entire organic material shall be converted into manure, recyclable material likewise glass, steel etc. shall be sold to recycler only inert material which can not be either composted or recycled shall be sent to land filling but

- same is not complied.
- o Whereas site shall be fenced or hedged and provided with proper gate to monitor incoming vehicles, to prevent entry of unauthorised persons and stray animals, but same was not being done.
 - o Whereas approach and internal roads shall be concreted or paved so as to avoid generation of dust particles due to vehicular movement and shall be so designed to ensure free movement of vehicles and other machinery but same was not being constructed.
 - o Whereas before establishing landfill site, baseline data of ground water quality in the area shall be collected and kept in record for future reference. The ground water quality within 50 meter of the periphery of landfill site shall be periodically monitored covering different seasons in a year that is, summer, monsoon and post-monsoon period to ensure that the ground water is not contaminated, but same was not being done.
 - o Whereas waste for land filling shall be compacted in thin layers using heavy compactors to achieve high density of the waste. In high rainfall areas where heavy compactors cannot be used, alternative measures shall be adopted, but same was not being doing.
 - o Whereas the landfill site shall have waste inspection facility to monitor waste brought in for landfilling, office facility for record keeping and shelter for keeping equipment and machinery including pollution monitoring equipment. The operator of the facility shall maintain record of waste received, processed and disposed, but same was not being implimented.
 - o Whereas non-permeable lining system at the base and walls of waste disposal area. For landfill receiving residues of waste processing facilities or mixed waste or waste having contamination of hazardous materials (such as aerosols, bleaches, polishes, batteries, waste oils, paint products and pesticides) shall have liner of composite barrier of 1.5 mm thick high density polyethylene (HDPE) geo-membrane or geo-synthetic liners, or equivalent, overlying 90 cm of soil (clay or amended soil) having permeability coefficient not greater than 1×10^{-7} cm/sec. The highest level of water table shall be at least two meter below the base of clay or amended soil barrier layer provided at the bottom of landfills, but same was not being implemented.
 - o Whereas safety provisions including health inspections of workers at landfill sites shall be carried out made, but same is not being implemented.
 - o Whereas the storm water drain shall be designed and constructed in such a way that the surface runoff water is diverted from the landfilling site and leachates from solid waste locations do not get mixed with the surface runoff water. Provisions for diversion of storm water discharge drains shall be made to minimise leachate generation and prevent pollution of surface water and also for avoiding flooding and creation of marshy conditions, but the storm water drain is being passing through dumping site.

- Whereas leachate from the solid waste should be avoided but same is being discharged outside the dumping site, which ultimately reached into Ghaggar River.
- Whereas no fire and smoke in the area to prevent negative impact on the Environment and Wild animals, but fire & smoke seen many times at the site.
- Whereas ambient air quality at the landfill site and at the vicinity shall be regularly monitored. Ambient air quality shall meet the standards prescribed by the Central Pollution Control Board for Industrial area, but the same is not being doing till date.
- Whereas necessary precaution shall be taken to minimize nuisance of odour, flies, rodents, bird menace and fire hazard, nil facility has been provided at site.
- Whereas selected plants shall have ability to thrive on low-nutrient soil with minimum nutrient addition, Plantation to be made in sufficient density to minimise soil erosion, Green belts shall be developed all around the boundary, but nil plantation done at site till date.
- Whereas utilities such as drinking water and sanitary facilities (preferably washing/bathing facilities for workers) and lighting arrangements for easy landfill operations during night hours shall be provided, but same was not being provided at site.

In view of above MC, Panchkula & Kalka are hereby directed to comply with the following directions immediately at Village-Jhuriwala site, so that nuisance to the wildlife and inhabitants of Panchkula city can be avoided and compliance of Municipal Solid Waste (Management & Handling) Rules, 2016 can be done:-

1. To immediately stop dumping fresh solid waste.
2. To remove already dumped legacy waste.
3. To obtain fresh Environmental Clearance from the competent authority.
4. To identify another landfill site away from the current location as it will be the source of diseases for the human being & wildlife.
5. Not to dump/process any kind of fresh solid waste at site till ISWM site obtain all necessary clearances from the concerned Departments & constructed all necessary infrastructure at the site as per Municipal Solid Waste (Management & Handling) Rules, 2016.

Treat it as most urgent.

Signed by Virender Punia
Date: 24-05-2022 11:51:59
Reason: Approved

2353553/2022/REGION PANCHKULA HSPCB 150001/95/2022-Region Panchkula-HSPCB
I/114917/2022

Regional Officer
Panchkula Region

2353553/2022/REGION PANCHKULA
2282134/2022/REGION PANCHKULA



Regional Office, Panchkula Region

Haryana State Pollution Control Board

SCO-115-116, 1st Floor, Sector -25, Panchkula

Website - www.hspcb.gov.in E-Mail - hspcbropki@gmail.com

no. HSPCB/PKL/2022/704

Dt. 17/8/2022

To

The Chairman,
Haryana State Pollution Control Board,
Panchkula.

(Kind Attn: Sr. EE, HQ, HWM. Cell)

Sub: Calculation of Environment Compensation as per policy order dated 21.12.2021 against M/s Municipal Corporation, Panchkula for its dumping site at Village-Jhuriwala, Panchkula.

Please find enclosed herewith the performa for calculation of Environment Compensation as per latest policy.

DA/As above.

Regional Officer
Panchkula Region

**Performa for recommendation for environmental compensation by
Regional Officer.**

1.	Name & address of the unit	M/s Municipal Corporation, Panchkula for its dumping site at Village Jhuriwala, Panchkula.
2.	Name and designation of the officer(s) inspected the unit	Sudhir Mohan, A.E.E.
3.	Product(s) and bio-products	Municipal Corporation, Panchkula Dumping site
4.	Manufacturing process	Municipal Corporation, Panchkula Dumping site
5.	Status of CTE	Yes.
6.	Status of CTO	No
7.	Date of inspection of the unit	10.07.2021
8.	Date of commissioning	01.07.2021.
9.	Detail of violation observed during inspection:	The Municipal Corporation, Panchkula for its dumping site at Village Jhuriwala, Panchkula is found engaged in unscientific solid waste management & non-compliance of Solid Waste Management Rules, 2016 and no compliance has been made by Municipal Corporation, Panchkula for its dumping site till the date. Further, the MC, Panchkula has submitted the reply letter dated 26.08.2021 and admitted that they have started the dumping site at Jhuriwala from July, 2021.
10.	Category of the unit	i. Red ii. Large Scale
11.	Complaint / Court case, if any.	NA
12.	Detail of sampling and analysis of effluent/air emission exceeding the norms.	---
13.	Reasons for not collection of samples, if not collected.	NA.
14.	Detail of Show Cause Notice for EC issued with date.	Vide No. I/129470/2022 dated 16.08.2022.
15.	Reply of Show Cause Notice, if any received.	Not submitted
16.	No. and date of closure order issued by the Board	
17.	Compliance of closure order if applicable.	---
18.	Present status of compliance made by the unit, if any after issue of show cause notice.	Not complied.
19.	Cases for levying environmental compensation:- a) Units discharging the environmental pollutants in excess of the standards prescribed under EP Rules, 1986	a) ---

	<p>and as prescribed in the consent granted to such units under Water Act, 1974/Air Act, 1981.</p> <p>b) Not complying with the directions issued, such as direction for closure due to non-installation of OCEMS, non-adherence to the action plans submitted etc.</p> <p>c) Intentional avoidance of data submission or data manipulation by tempering the Online Continuous Emission/ Effluent Monitoring system.</p> <p>d) Accidental discharges lasting for short durations resulting into damage to the environment.</p> <p>e) Intentional discharges to the environment including bypassing the pollution control devices – land, water and air resulting into acute injury or damages – to the environment.</p> <p>f) Injection of treated/partially treated/untreated effluent to ground water.</p> <p>g) All violations of Graded Response Action Plan (GRAP) in Delhi NCR area.</p> <p>h) Failure of preventing the pollutants being discharged in water bodies and failure to implement Waste Management Rules.</p>	<p>b) --</p> <p>c) --</p> <p>d) --</p> <p>e) --</p> <p>f) --</p> <p>g) --</p> <p>h) --</p>
20.	Date of last inspection and sampling i.e. prior present inspection (Water and/or Air and/or other pollution)	Sampling done on monthly basis.
21.	Justification of imposing environmental compensation for last five year	No
22.	$EC \text{ (Lakhs Rs.)} = 2.4 \text{ (Waste Generation - Waste Disposed as per the Rules)} + 0.02 \text{ (Waste Generation - Waste Disposed as per the Rules)} \times N + \text{Marginal Cost of Environment Externality} \times \text{(Waste Generation - Waste Disposed as per the Rules)} \times N.$	
23.	<p>Where</p> <p>EC = Environment Compensation.</p> <p>N = No. of days of violation = 01.07.2021 to 31.07.2022 = 396 days (including both dates) – Interim till the date 31.07.2022 as the violation is ongoing.</p>	
24.	Solid Waste Generation = 90 TPD (Copy of District Environment Plan attached for proof)	
25.	Solid Waste Disposed as per the Rules = Nil.	
	Marginal Cost of Environmental Externality (Rs. Per ton per day) = 15.	

	Marginal Cost of Environment Externality (Lakhs Rs. For 90 ton per day) = 0.05.
26.	Hence, $EC = 2.4 (90-0) + 0.02 (90-0) \times 396 + 0.05 \times (90-0) \times 396 = 2710.8$ Lacs in Rupees. Hence, compensation applicable in this case is Rs. 2710.8 Lacs only in Rupees).
27.	Final recommendations if any Environment Compensation may be imposed on the unit due to following observations:- The Municipal Corporation, Panchkula for its dumping site at Village Jhuriwala, Panchkula is found engaged in unscientific solid waste management & non-compliance of Solid Waste Management Rules, 2016 and no compliance has been made by Municipal Corporation, Panchkula for its dumping site till the date.
28.	Final compensation or Interim Interim.



Signature of AEE



Signature of Regional Officer



Regional Office, Panchkula Region
Haryana State Pollution Control Board

SCO-115-116, 1st Floor, Sector -25, Panchkula
Website - www.hspcb.gov.in E-Mail - hspcbropkl@gmail.com

Annexure-14

No. HSPCB/PKL/2022/705

Dt. 17/1/2022

To

The Chairman,
Haryana State Pollution Control Board,
Panchkula.

(Kind Attn: Sr. EE, HQ, HWM. Cell)

Sub: Calculation of Environment Compensation as per policy order dated 21.12.2021 against M/s Municipal Council, Kalka for its dumping site at Village-Jhuriwala, Panchkula.

Please find enclosed herewith the performa for calculation of Environment Compensation as per latest policy.

DA/As above.

Regional Officer
Panchkula Region

Performa for recommendation for environmental compensation by Regional Officer.

1.	Name & address of the unit	M/s Municipal Council, Kalka for its dumping site at Village Jhuriwala, Panchkula.
2.	Name and designation of the officer(s) inspected the unit	Sudhir Mohan, A.E.E
3.	Product(s) and bio-products	Municipal Council, Kalka Dumping site
4.	Manufacturing process	Municipal Council, Kalka Dumping site
5.	Status of CTE	No.
6.	Status of CTO	No
7.	Date of inspection of the unit	10.07.2021
8.	Date of commissioning	01.07.2021.
9.	Detail of violation observed during inspection:	The Municipal Council, Kalka for its dumping site at Village Jhuriwala, Panchkula is found engaged in unscientific solid waste management & non-compliance of Solid Waste Management Rules, 2016 and no compliance has been made by Municipal Council, Kalka for its dumping site till the date. Further, the Municipal, Kalka has submitted the reply letter dated 26.08.2021 and admitted that they have started the dumping site at Jhuriwala from July, 2021.
10.	Category of the unit	i. Red ii. Large Scale
11.	Complaint / Court case, if any.	NA
12.	Detail of sampling and analysis of effluent/air emission exceeding the norms.	---
13.	Reasons for not collection of samples, if not collected.	NA.
14.	Detail of Show Cause Notice for EC issued with date.	Vide No. I/129470/2022 dated 16.08.2022.
15.	Reply of Show Cause Notice, if any received.	Not submitted
16.	No. and date of closure order issued by the Board	---
17.	Compliance of closure order if applicable.	---
18.	Present status of compliance made by the unit, if any after issue of show cause notice.	Not complied.
19.	Cases for levying environmental compensation:- a) Units discharging the environmental pollutants in excess of the standards prescribed under EP Rules, 1986	a) ---

	<p>and as prescribed in the consent granted to such units under Water Act, 1974/Air Act, 1981.</p> <p>b) Not complying with the directions issued, such as direction for closure due to non-installation of OCEMS, non-adherence to the action plans submitted etc.</p> <p>c) Intentional avoidance of data submission or data manipulation by tempering the Online Continuous Emission/ Effluent Monitoring system.</p> <p>d) Accidental discharges lasting for short durations resulting into damage to the environment.</p> <p>e) Intentional discharges to the environment including bypassing the pollution control devices -- land, water and air resulting into acute injury or damages to the environment.</p> <p>f) Injection of treated/partially treated/ untreated effluent to ground water.</p> <p>g) All violations of Graded Response Action Plan (GRAP) in Delhi NCR area.</p> <p>h) Failure of preventing the pollutants being discharged in water bodies and failure to implement Waste Management Rules.</p>	<p>b) --</p> <p>c) --</p> <p>d) --</p> <p>e) --</p> <p>f) --</p> <p>g) --</p> <p>h) --</p>
20.	Date of last inspection and sampling i.e. prior present inspection (Water and/or Air and/or other pollution)	Sampling done on monthly basis.
21.	Justification of imposing environmental compensation for last five year	No
22.	$EC \text{ (Lakhs Rs.)} = 2.4 \text{ (Waste Generation - Waste Disposed as per the Rules)} + 0.02 \text{ (Waste Generation - Waste Disposed as per the Rules)} \times N + \text{Marginal Cost of Environment Externality} \times \text{(Waste Generation - Waste Disposed as per the Rules)} \times N.$	
23.	<p>Where</p> <p>EC = Environment Compensation.</p> <p>N = No. of days of violation = 01.07.2021 to 31.07.2022 = 396 days (including both dates) – Interim till the date 31.07.2022 as the violation is ongoing.</p>	
24.	<p>Solid Waste Generation = 30 TPD (Copy of District Environment Plan attached for proof)</p> <p>Solid Waste Disposed as per the Rules = Nil.</p>	

	Marginal Cost of Environment Externality (Lakhs Rs. For 30 ton per day) = 0.05.
25.	Hence, $EC = 2.4 (30-0) + 0.02 (30-0) \times 396 + 0.05 \times (30-0) \times 396 = 903.6$ Lacs in Rupees. Hence, compensation applicable in this case is Rs. 903.6 Lacs only in Rupees)
26.	Marginal Cost of Environmental Externality (Rs. Per ton per day) = 15.
27.	Final recommendations if any Environment Compensation may be imposed on the unit due to following observations:- The Municipal Council, Kalka for its dumping site at Village Jhuriwala, Panchkula is found engaged in unscientific solid waste management & non-compliance of Solid Waste Management Rules, 2016 and no compliance has been made by Municipal Council, Kalka for its dumping site till the date.
28.	Final compensation or Interim Interim.



Signature of AEE



Signature of Regional Officer



Type of Sample:-Monitoring
Haryana State Pollution Control Board's Laboratory
SCO-115, 1st & 2nd Floor, Sec-25, Panchkula, Haryana

Dated : 10.08.2022

Report No. 6395

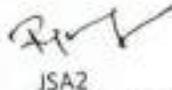
Issued to Natural Drain in the U/s of Thuriwala Site.

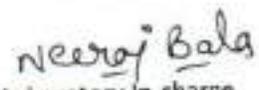
Description: Received on 02 - August- 2022 a sample of Drain collected by Sh. Sudhir Mohan, AEE, collected from Drain of the factory on 02- August-2022. The sample has been analysed from 02-August- 2022 to 10- August-2022.

Sr. No.	Parameter Name	Result	Result	Limit
1.	Sample Code	9596		
2.	Sample Collected from	Drain		
3.	Color	L.Brown		
4.	Odour	Foul		
5.	pH value	7.52		
6.	Total Suspended Solids mg/l	146.0		
7.	BOD (3 days at 27°C) mg/l	16.0		
8.	COD (mg/l)	80.0		
9.	Oil & Grease (mg/l)	6.5		
10.	Conductivity (u S/cm)	238.0		
11.	Dissolved Oxygen mg/l	2.6		
12.	Ammonical- N (mg/l)	0.16		
13.	Nitrate – N (mg/l)	0.29		
14.	Nitrite NO ₂ (mg/l)	1.58		
15.	Total Coliform (MPN/100 ml)	3300.0		
16.	Fecal Coliform (MPN/100 ml)	1400.0		
17.	Fecal Streptococci (MPN/100 ml)	200.0		
18.	Total Dissolved Solid (mg/l)	128.0		
19.	Turbidity NTU	5.46		
20.	Chloride (mg/l)	28.0		
21.	Phenolic Compound mg/l	ND		
22.	Boron(mg/l)	ND		
23.	Total Phosphate (mg/l)	1.89		
24.	Iron (mg/l)	0.195		
25.	Zinc (mg/l)	0.011		
26.	Nickle (mg/l)	ND		
27.	Total Chromium (mg/l)	ND		
28.	Copper (mg/l)	0.22		
29.	Lead (mg/l)	ND		
30.	Cadmium (mg/l)	0.005		

Sample Not Collected by us
Sample Consumed in testing
CC to Member Secretary, HSPCB


JSA1
Manjali


JSA2
Megha Ranga


Neeraj Bala
Laboratory In-charge
Neeraj Bala

CC to Regional Office: Panchkula.
submitted for testing.

The test report relate only to the particular sample



Type of Sample:-Monitoring
Haryana State Pollution Control Board's Laboratory
SCO-115, 1st & 2nd Floor, Sec-25, Panchkula, Haryana

Dated : 10.08.2022

Report No. 6396

Issued to Sample of Natural Drain at Juriwala Site (Down Stream)

Description: Received on 02 - August- 2022 a sample of Drain collected by Sh. Sudhir Mohan, AEE, collected from Drain of the factory on 02- August-2022. The sample has been analysed from 02-August- 2022 to 10- August-2022

Sr. No.	Parameter Name	Result	Result	Limit
1.	Sample Code	9597		
2.	Sample Collected from	Drain		
3.	Color	Dark Blackish		
4.	Odour	Foul		
5.	pH value	6.95		
6.	Total Suspended Solids mg/l	4824.0		
7.	BOD (3 days at 27°C) mg/l	2400.0		
8.	COD (mg/l)	18240.0		
9.	Oil & Grease (mg/l)	26.5		
10.	Conductivity (u S/cm)	15110.0		
11.	Dissolved Oxygen mg/l	BDL(DL=1)		
12.	Ammonical- N (mg/l)	12.08		
13.	Nitrate - N (mg/l)	2.64		
14.	Nitrite NO ₂ (mg/l)	3.20		
15.	Total Coliform (MPN/100 ml)	94000.0		
16.	Fecal Coliform (MPN/100 ml)	10900.0		
17.	Fecal Streptococci (MPN/100 ml)	2100.0		
18.	Total Dissolved Solid (mg/l)	8260.0		
19.	Turbidity NTU	42.20		
20.	Chloride (mg/l)	172.0		
21.	Phenolic Compound mg/l	ND		
22.	Boron(mg/l)	ND		
23.	Total Phosphate (mg/l)	10.12		
24.	Iron (mg/l)	18.94		
25.	Zinc (mg/l)	1.593		
26.	Nickie (mg/l)	0.2		
27.	Total Chromium (mg/l)	0.4		
28.	Copper (mg/l)	4.65		
29.	Lead (mg/l)	0.290		
30.	Cadmium (mg/l)	0.013		

Sample Not Collected by us
Sample Consumed in testing
CC to Member Secretary, HSPCB

CC to Regional Office: Panchkula,
submitted for testing.

GA1

Manjali

JSA2

Megha Ranga

Neeraj Balg
Laboratory In-charge
Neeraj Bala

The test report relate only to the particular sample

NGT MATTER - TOP PRIORITY

MEETING DATE : 24.08.2022

TIME : 1030 HRS

VENUE : Conference Room, HSPCB

From

Member Secretary,
Haryana State Pollution Control Board,
Panchkula.

To

As per list enclosed.

No.

Date

MEETING NOTICE

Sub : Meeting of Joint Committees constituted by Hon'ble NGT in the matter of unscientific and illegal dumping of Solid Waste in Jhuriwala, Panchkula-Finalization of report to be submitted to Hon'ble NGT - Reg.

Ref : Directions of Hon'ble NGT in OA No.225/2021 and OA No.04/2022

Please refer to the above subject and reference directions of Hon'ble NGT in OA No.225/2021 dated 17.09.2021 (in the matter of Sanjay Kumar Vs Union of India & Ors) and in OA No.4/2022 dated 21.01.2022 (in the matter of Sanjay Kumar Vs UoI & Ors), both dealing with the matter of unscientific and illegal dumping of solid waste in Jhuriwala, close to the wildlife sanctuary area, in violation of environmental norms.

The Hon'ble Tribunal, after constituting a Joint Committee in OA No.225/2021 vide its order dated 17.09.2021, with Chief Wildlife Warden (CWLW), SPCB and CPCB as Members and CWLW as the Nodal Officer for compliance of the directions, directed to convene the meeting, undertake field visit, interact with stakeholders and to take remedial action in exercise of the statutory powers following the due procedure of law. In compliance of the same, the Joint Committee held a meeting on 01.10.2021, constituted a Sub-Committee to look into the issues and after the receipt of the report, no compliance was filed by the Committee in Hon'ble Tribunal.

Subsequently, vide its order dated 21.01.2022 in OA No.04/2022, taking cognizance of the continued illegal and unscientific dumping of garbage in the site and inaction by the agencies concerned, the Hon'ble Tribunal constituted another Joint Committee with SPCB, Chief Conservator of Forests (CCF) and District Magistrate of Panchkula, with SPCB as Nodal agency and with directions to file a status report on the compliance within two months. The Joint Committee convened its meeting on 19.05.2022 and sought action taken reports from the concerned agencies. Wildlife Department has given its comments on the decisions taken but the Municipal Corporation and District Administration did not submit any reply and thus a final report could not be submitted in NGT before its hearing, scheduled on 16.08.2022. Now the date has been deferred to 21.09.2022.

Since the matter is serious and no significant action has been taken on ground by the agencies concerned yet, it has been decided to hold a joint meeting of both the Joint Committees constituted by the Hon'ble NGT, **with a request to Director, ULBD also to attend the meeting, as a special invitee,** for finalizing the report of the Committee, to be submitted to Hon'ble Tribunal. **All concerned Departments / Agencies / Officers are requested to send their action taken reports / comments** in compliance of the directions of Hon'ble NGT, issued vide its orders dated 17.09.2021 (in OA NO.225/2021) and 21.01.2022 (in OA No.04/2022) and the decisions taken in the meetings of Joint Committees held on 01.10.2021 and 19.05.2022, **latest by 1200 Hrs on 22.08.2022.** Copies of both the orders of

Hon'ble NGT, proceedings of both the meetings of Joint Committees, the report of Sub-Committee and the comments of Wildlife Department have been enclosed along for reference and necessary action.

Accordingly, it has been decided to hold a meeting at 1030 Hrs on 24.08.2022 at the Conference Room of Haryana State Pollution Control Board, Sector 6, Panchkula, through physical mode. You are kindly requested to make it convenient to attend the meeting accordingly.

Enclosed : As above.

**For Member Secretary, HSPCB
SEE (HWM Cell), HSPCB.**

To

1. Chief Wildlife Warden, Government of Haryana, Panchkula
2. Chief Conservator of Forests, North Circle, Ambala.
3. Director, Urban Local Bodies Department, Government of Haryana (Special Invitee)
4. Regional Director, CPCB, Chandigarh.
5. Deputy Commissioner, Panchkula.
6. Municipal Commissioner, Panchkula (Special Invitee)
7. Regional Officer, HSPCB, Panchkula.

Endst No.

Dated

Copy for information to

1. Chairman, HSPCB, Panchkula.
2. Principal Chief Conservator of Forests cum HoFF, Panchkula.
3. Additional Chief Secretary, Environment & Climate Change Department cum Forests and Wildlife Department, Government of Haryana

4. Principal Secretary, ULB Department, Government of Haryana.
5. PS to MS, HSPCB.

Signed by Naveen Gulia
Date: 17-08-2022 12:21:56
Reason: Approved
For MS, HSPCB

SEE (HWM Cell), HSPCB

HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR-6, PANCHKULA
Ph-0172-577870-73, Fax No. 2581201
E-mail: hspcbhazardouswaste@gmail.com

HSPCB/HWM/2022/ Dated: 26/08/2022

To

1. Chief Wildlife Warden, Government of Haryana, Panchkula
2. Chief Conservator of Forests, North Circle, Ambala.
3. Director, Urban Local Bodies Department, Government of Haryana.
4. Regional Director, CPCB, Chandigarh.
5. Deputy Commissioner, Panchkula.
6. Municipal Commissioner, Panchkula
7. Regional Officer, HSPCB, Panchkula.

Sub: Proceedings of the meeting of Joint Committees constituted by Hon'ble NGT in OA No. 225/2021 & 04/2022 (Sanjay Kumar Vs Uol & Ors) held on 24.08.2022 at 10:30 Hrs at Conference Room of HSPCB, Panchkula.

Kindly refer to the subject noted above.

Please find enclosed herewith the proceedings of the meeting of Joint Committees constituted by Hon'ble NGT conducted on 24.08.2022 at 10:30 A.M. under the Chairmanship of Member Secretary, HSPCB in the matter of OA No. 225/2021 & 04/2022 (Sanjay Kumar Vs Uol & Ors) for information and further necessary action please.

DA/Copy of proceedings.

Endst. No. HSPCB/2022/Dated: 26/08/2022

A copy of the above alongwith copy of proceedings with enclosure is forwarded to

13/11/2022

following for information and further necessary action please:-

1. Chairman, HSPCB, Panchkula.
2. Principal Chief Conservator of Forests cum HoFF, Panchkula.
3. Additional Chief Secretary, Environment & Climate Change Department cum Forests and Wildlife Department, Government of Haryana.
4. Principal Secretary, ULB Department, Government of Haryana.
5. PS to MS, HSPCB.

DA/Copy of Proceedings.

Signed by Naveen Gulia
Date: 26-08-2022 17:06:56
Reason: Approved

Sr. Environmental Engineer(HQ)

For Member Secretary

Proceedings of the meeting of Joint Committees constituted by Hon'ble NGT in OA No. 225/2021 & 04/2022 (Sanjay Kumar Vs UoI & Ors) held on 24.08.2022 at 10:30 Hrs at Conference Room of HSPCB, Panchkula.

The meeting of Joint Committees constituted by Hon'ble NGT in OA No.225/2021 (Sanjay Kumar Vs UoI & Ors) vide its order dated 17.09.2021 and in OA No.04/2022 (Sanjay Kumar Vs UoI & Ors) dated 21.01.2022 was held on 24.08.2022 at 10:30 Hrs at Conference Room of Haryana State Pollution Control Board to review and finalize the report to be submitted by the Committee in compliance of the directions of Hon'ble NGT, after updating the latest progress in the matter. The list of participants is attached at **Annexure**.

Member Secretary, Haryana State Pollution Control Board welcomed the participants and briefly explained the objectives of the meeting to review and finalize the report to be submitted to Hon'ble NGT. The present status and actions undertaken by various Departments / Agencies were explained as below.

- RO, HSPCB, Panchkula informed that HSPCB has imposed a penalty on the Municipal Corporation, Panchkula at the rate of Rs 5 lakh per month from 10.07.2021 to 31.12.2022 for discharging the leachate from the dumping site into the Ghaggar River. He further informed that his office has proposed the Environment Compensation vide no. HSPCB/PKL/704 & 705 dated 17.08.2022 on the Municipal Corporation Panchkula, and Municipal Council, Kalka to HSPCB, H.O. for dumping of solid waste unscientifically at the Jhuriwala solid waste site during the period from 01.07.2021 to 31.07.2022.
- HSPCB has initiated legal action against the officials of Municipal Corporation, RO informed. The complaint has been vetted and the details of names of officers of MC along with their period of postings are awaited from the ULBD for finalizing and filing the complaint, he further apprised.
- Directions have also been issued to MC Panchkula and MC Kalka for compliance of the provisions of the Solid Waste Management Rules, 2016 and the decisions taken by the Joint Committees in the previous meetings, in compliance of the directions of Hon'ble NGT.
- He further explained that his office again collected fresh samples of the leachate coming out of dumping site and mixing with the rain water into the Ghaggar River on 02.08.2022 and the parameters were found exceeding the prescribed limits and is imposing penalty @ Rs.5 Lakh/month for the period from 01.07.2022 to 31.08.2022 as per the procedure.

- RO, HSPCB also informed that MC, Panchkula has not constructed any boundary wall till date at Jhuriwala site to avoid stray cattle/wild animals as committed in the earlier meetings, in compliance of the directions of the Joint Committee in its earlier meetings.
- APPCF, Wildlife, Panchkula, informed that the feasibility of establishing the Solid Waste Treatment and Disposal site does not exist under the present ruling of Hon'ble Supreme Court, which requires a minimum of one kilometre distance from any forest / wildlife areas and the MC may have to immediately opt for suitable sites on priority. Wildlife Department has clearly indicated that the earlier conditions imposed on the user agency by the National Board for Wild Life, are still applicable, though the project now falls outside the eco sensitive zone, as per the notification of MoEF & CC.
- DFO, Pinjore informed that the MC has violated the conditions executed for the transfer of the forest land by dumping of solid waste in unscientific manner breaching the provisions of purpose for which the land can be used. He informed that Forest Department is initiating action against the violations, following the due procedure.
- No action taken report was received from MC Panchkula and District Administration of Panchkula, as decided in the previous meeting. Commissioner, MC Panchkula admitted that they are still dumping the garbage in the area but are in the process of identifying a suitable site for landfill / municipal waste management facility, so that the garbage generated in their jurisdiction can be processed scientifically.
- Commissioner, MC Panchkula assured that a complete action plan, along with activities proposed to be undertaken for clearing the existing legacy waste, managing the daily addition, prevention of pollution from the existing site and remedial action for restoration of the existing site shall be presented to the Joint Committee for consideration and onward submission to Hon'ble NGT.
- Commissioner, MC Panchkula further explained that the Corporation is now collecting 100 MT of garbage from door to door, segregates them all and transport the same to the site for processing, including composting of organic waste and recycling of eligible products. One Trommel has also been engaged for treatment of legacy waste, he further added.

After discussing the progress and actions undertaken in the matter, the Joint Committee took the following decisions.

- RO, HSPCB, Panchkula shall file the complaint in Special Environment Court, Kurukshetra as per the provisions of SWM Rules, impose applicable penalty on MC, Panchkula, besides giving directions to all concerned to stop the polluting activities immediately. Director ULBD was requested to ensure sending the names of officers concerned, for filing the complaints.
- The Committee expressed its dissatisfaction over the inaction on the various decisions / directions and commitments given by the Corporation in the previous meetings. It expressed that the dumping has not been stopped, no new site has been identified, no wall has been constructed and no additional trommel to treat the legacy waste was engaged. In nutshell, the activities of MC Panchkula are not to the expected mark and no special initiative has been undertaken at their level to resolve the issue, it was observed by the Committee. MC Panchkula was therefore directed to stop its dumping activities immediately and to find an alternative to manage the waste scientifically. It was also directed to submit an action plan for handling its daily waste addition, treating its legacy waste, activities for preventing pollution from the existing site and the remedial action plan for restoration of environment in the site, degraded by their activities so far, along with fragmented activities and timelines, machinery and manpower proposed, for further consideration and submission to Hon'ble NGT.
- Deputy Commissioner has again been requested to send his comments within two days to finalize the report to be submitted to Hon'ble NGT.

The meeting ended with thanks to all participants.

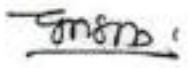
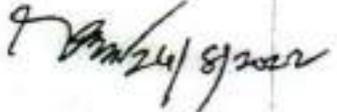
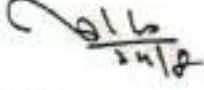
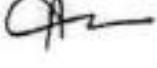
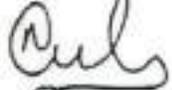
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Annex

List of participants who attended the meeting of Joint Committees constituted by Hon'ble NGT in OA No. 225/2021 & 04/2022 (Sanjay Kumar Vs UoI & Ors) held on 24.08.2022 at 10:30 Hrs at Conference Room of HSPCB, Panchkula

S No	Name, Designation and Organization
1.	Sh. S Narayanan IFS, Member Secretary, HSPCB
2.	Sh ML Rajvanshi IFS, Additional PCCF, Wildlife, Panchkula.
3.	Sh D K Behera IAS, Director, Urban Local Bodies
4.	Sh Dharamvir Singh IAS, Commissioner, Municipal Corporation, Panchkula.
5.	Sh Gurnam Singh, Regional Director, CPCB, Chandigarh Region.
6.	Sh. BS Raghav, HFS, DFO, Pinjore Forest Division (Representing CCF, North Circle)
7.	Sh Ashok Rathee, CE, ULBD
8.	Sh Naveen Gulia, SEE, HQ, HSPCB.
9.	Sh Virender Punia, RO, Panchkula, HSPCB.

Meeting of Joint Committee constituted by Hon'ble NGT in the matter of unscientific and illegal dumping of Solid Waste in Jhuriwala, Panchkula on 24.08.2022 at 10.30 AM in Conference Room, HSPCB.

Sr. No.	Name & Designation of Officers	Department	Signature
1	B. S. Aggarwal DFO	Forest	
2	PARMOD KUMAR XEN	M.C. PKL	
3	Sumit Malik XEN	M.C. PKL	
4	Dharamvir Singh	CMC PKL	
5	Gurnam Singh.	CPCB, RD Chandigarh.	
6	M. L. Rajwanshi IFS	APCF (WLD) PKL	
7	ASHOK RATHOR	CE, WLD	
8	Ankit Lohan	EE, DULB	
9	Naveen Gulia	SEE, HSPCB	
10	Virender Singh Punia	RO, HSPCB, PKL	
11			
12			
13			
14			
15			

HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR-6, PANCHKULA
Ph-0172-577870-73, Fax No. 2581201
E-mail: hspcbhazardouswaste@gmail.com

HSPCB/HWM/2022/

Dated: 10/11/2022

To

1. Chief Wildlife Warden, Government of Haryana, Panchkula.
2. Chief Conservator of Forests, North Circle, Ambala.
3. Director, Urban Local Bodies Department, Government of Haryana.
4. Regional Director, CPCB, Chandigarh.
5. Deputy Commissioner, Panchkula.
6. Municipal Commissioner, Panchkula.
7. Regional Officer, HSPCB, Panchkula.

Subject: Proceedings of the meeting held under the Chairmanship of Chairman, HSPCB with the Joint Committees constituted by Hon'ble NGT in OA No. 225/2021 & 04/2022 (Sanjay Kumar Vs Uol&Ors) held on 17.10.2022 in the office of Chairman, HSPCB, Panchkula.

Kindly refer to the subject noted above.

In this connection, I have been directed to enclose herewith the proceedings of the meeting held under the Chairmanship of Chairman, HSPCB with the Joint Committees constituted by Hon'ble NGT in OA No. 225/2021 & 04/2022 (Sanjay Kumar Vs Uol&Ors) held on 17.10.2022 in the office of Chairman, HSPCB, Panchkula for information and further necessary action please.

DA/As above.

Endst./HWM/2022/

Dated: 10/11/2022

A copy of the above is forwarded to the following for information and necessary action please.

1. Principal Chief Conservator of Forests-cum-HoFF, Panchkula.
2. Additional Chief Secretary, Environment & Climate Change Department- cum-

- Forests and Wildlife Department, Government of Haryana.
3. Principal Secretary, Urban Local Bodies Department, Government of Haryana.
 4. PS to Chairman, HSPCB, Panchkula.
 5. PA to Member Secretary, HSPCB, Panchkula.

Signed by Naveen Gulia
Date: 10-11-2022 16:35:41
Reason: Approved
Senior Environmental Engineer (HQ)

For Chairman

Proceedings of the meeting held under the Chairmanship of Worthy Chairman, HSPCB with the Joint Committees constituted by Hon'ble NGT in OA No. 225/2021 & 04/2022 (Sanjay Kumar Vs UoI&Ors) held on 17.10.2022 at 02:30 PM in the office of Chairman, HSPCB, Panchkula.

The meeting held under the Chairmanship of Chairman, HSPCB with the Joint Committees constituted by Hon'ble NGT in OA No. 225/2021 & 04/2022 (Sanjay Kumar Vs UoI&Ors) held on 17.10.2022 at 02:30 PM in the office of Chairman, HSPCB, Panchkula to review and discuss the progress in the matter of illegal waste dumping at Jhuriwala village, Panchkula. The list of participants is attached at Annexure A.

Chairman, Haryana State Pollution Control Board welcomed the participants and briefly explained the objectives of the meeting to review and discuss the issue of illegal waste dumping at the site. The present status of the site was explained as below:

- RO, HSPCB intimated that the waste is still lying at the site and no proper boundary wall fencing till date at Jhuriwala site to avoid stray cattle/wild animals as committed by Municipal Corporation in the earlier meetings, in compliance of the directions of the Joint Committee in its earlier meetings.
- RO, Panchkula also intimated that the directions have also been issued to MC Panchkula and MC Kalka for compliance of the provisions of the Solid Waste Management Rules, 2016 and the decisions taken by the Joint Committees in the previous meetings, in compliance of the directions of Hon'ble NGT.
- Chief Municipal Commissioner, Panchkula intimated that no fresh waste is going to the site. The waste that was dumped earlier will be removed as soon as possible.
- EE, Municipal Corporation intimated that for the removal of the waste one no. of Trommel machine is already installed and tender for installation of additional Trommel machines is under process.
- Municipal Commissioner also mentioned that as per the directions of Hon'ble Supreme Court of India regarding not setting up of construction activities within 01 KM area from the Wildlife Sanctuary, therefore no boundary wall could be constructed as the site is very close to the Wildlife Sanctuary.
- Senior Environmental Engineer, HSPCB intimated that the cases of Environment Compensation and sanction of Prosecution are under process and will be approved shortly.

During the discussion DC Panchkula and Regional Director, CPCB suggested that an alternative site should be considered for the future waste processing/dumping and for the removal of waste dumped at the site.

After discussing the progress and current status of the site with participants; Chairman HSPCB expressed his dissatisfaction over the progress and steps taken

by Municipal Corporation. Further, Chairman, HSPCB directed Municipal Commissioner, Panchkula and RO, Panchkula to do followings steps in this matter:

- RO, HSPCB, Panchkula shall file the complaint in Special Environment Court, Kurukshetra as per the provisions of SWM Rules, impose applicable penalty on Municipal Corporation, Panchkula, besides giving directions to all concerned to stop the polluting activities immediately.
- Municipal Corporation should immediately search an alternative site for the waste disposal and processing. Further, Municipal Corporation should obtain prior permission from MoEF& CC/HSPCB and other Departments before setting up MSW processing plant at new site.
- Municipal Corporation should do proper fencing around the site so that wild animals could not be able to enter at the site.
- As an immediate step to relieve of foul smell, Municipal Corporation should control the smell by using proper methods and chemicals, so that the inhabitants would not suffer.
- Municipal Corporation should install additional Trommel Machines to remove waste from the current site.
- Municipal Corporation should spread awareness about the segregation of waste and also do proper segregation before the disposal of waste.
- MC Panchkula & Kalka should immediately submit an action plan for handling its daily waste addition, treating its legacy waste, activities for preventing pollution from the existing site and the remedial action plan for restoration of environment in the site, degraded by their activities so far, along with fragmented activities and timelines, machinery and manpower proposed, for further consideration and submission to Hon'ble NGT (consisting both short term plan and long-term plan).

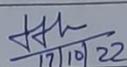
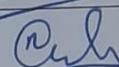
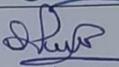
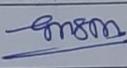
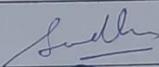
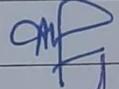
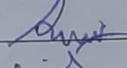
The meeting ended with thanks to all participants.

oOo

Annexure A: List of Participants in the meeting held under the Chairmanship of Chairman, HSPCB.

ATTENDANCE SHEET

Meeting of Joint Committee constituted by Hon'ble NGT in the matter of unscientific and illegal dumping of Solid Waste in Jhuriwala, Panchkula on 17.10.2022 at 2.30 PM in Conference Room, HSPCB, Panchkula

S.No	Name & Designation of officers	Department	Signature
1.	PARMOD KUMAR (XEN)	M.C. PILL.	 17/10/22
2.	Virender Lather CMC PCL	MC PCL	 17/10/2022
3.	Mahavir Kanshill	DC PCL	
4.	Naveen Gulig	SEE, NSACD	
5.	Virender Punie	RO, Panchkula Region	
6.	Gurnam Singh, R.D	CPCB, Chandigarh	
7.	Sudhan Mohan, AEE	AEE, PCL	
8.	Ankit Lohan EE	ULB	
9.	Shyam Sunder Dy. CNLW	Forest & Wildlife	
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